

D R A U G H T
OF AN
O V E R T U R E
TO THE
A S S O C I A T E S Y N O D.
RELATIVE TO SOME
HISTORICAL MISTAKES
ALLEGED TO BE IN THE

*Act, Declaration, and Testimony; Answers,
by the Associate Presbytery, to Mr. Nairn's
Reasons of Dissent; and in the Acknow-
legement of Sins, prefixed to the Bond.*

Which DRAUGHT was ordered, by the SYNOD,
to be published, that all concerned may, be-
fore it be passed into an Act, offer Correc-
tions thereon, if any such should occur.

G L A S G O W:

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and Country. M D C C L V.



INTRODUCTION.

IN regard several *historical mistakes* were, by some, alleged to be contained in the *Act, Declaration, and Testimony; Answers to Mr. Nairn's* and the *Acknowledgement of Sins*, prefixed to the Bond, (all which papers were enacted and published by the *Associate Presbytery*, on different occasions,) the *Associate Synod* appointed a committee of their number, some years ago, to revise the said papers, and point out the said mistakes, in case they found any; and likewise the evidences by which they appeared to be mistakes. Accordingly, a Draught of a Paper, relative to such mistakes, and explicatory of other passages in the said papers, which might be mistaken by some people, was laid before the Synod, Sept. 26th, 1751.

But the Synod, for the throng of other momentuous business on their hand, had no time to examine the said paper particularly, for several meetings successively, as a paper of that nature, (wherein are quotations from sundry acts of parliament and of assemblies,) required to be considered, before it should be passed into an act: nevertheless, in the process of some of these meetings, the Synod gave the said Draught a reading, and made some corrections and amendments thereon; and at their meeting at Glasgow, March 6th, 1753, resolved it should be published in the form of an *Overture*, that all persons concerned might have time to make their observations deliberately, and propose their difficulties, if they had any, before it should be turned into the form of an *Act*, appointing a committee of their number to see to the publication thereof. The union whereof follows.

DRAUGHT

OF AN

OVERTURE, ETC.

AS the circumstances, whereinto the Associate Synod, in adorable providence, are cast, are not unknown to this generation; the archers on all hands shooting sore at them, and wounding them, while *every man is eating the flesh of his own arm; Manasseh, Ephraim; and Ephraim, Manasseh; and they together against Judah*: And as the secession made, and the cause and testimony which, through grace, the Synod desire to espouse, have been sadly misrepresented, both by such as palliate the corruptions and defections of the day, and by others who have gone into right-hand extremes; the one endeavouring to blacken the said cause and testimony, as if it was grounded upon a multitude of falshoods; and the other exaggerating some inadvertent passages in some papers published by the Associate Presbytery, relative to some *historical facts*, as if the same contained the *whole* of the testimony of the day, in opposition to the current of backsliding in this land: therefore the Synod judge it their duty, more expressly and particularly, to explain themselves with relation to these things: and this they reckon they have been called to do, at this



junction, while some of the brethren, who were the chief instruments in the secession, and had a principal hand in the first framing of the said papers, are yet alive *, and earnestly desire them, for the sake of truth, the conviction of gainsayers, their own exoneration, and the duty they owe to the present and succeeding generations, so to do. And more especially, considering the awful strokes and judgments, both of a temporal and spiritual nature, which the Lord has been, and still is, inflicting on the generation, giving *Jacob for a spoil, and Israel to the robbers*.—*For they would not walk in his ways, neither were they obedient unto his law: therefore he hath poured upon him the fury of his anger, and the strength of battle: and it hath set him on fire round about, yet he knew it not; and it burned him, yet he laid it not to heart.* For all which his anger is not turned away, but his hand is stretched out still, in a way of threatening and judgment against us. And considering also, that the anger of the Lord has divided us, that he hath been tearing and going away from us, and leaving our house, in a great measure, desolate, while gray hairs grow here and there, and we know it not, instead of great searchings of heart for these divisions of Reuben, and saying, *What meaneth this great heat of his anger?* And further considering, whatever handle men of corrupt minds may make of it, that yet it contributes to the glory of God, that such as profess

* N. B. The first draught of this Overture was framed before the death of the Rev. Mr. Ebenezer, and Mr. Ralph Erskines.

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his name, ingenuously acknowlege their mistakes, which they may have fallen into, while they honestly intended to bear witness for his cause, and to correct these mistakes, which, among other things, may have provoked the Lord to plead a controversy with them, as we find from many scripture examples, particularly 1 Chron. xv. 11, 12, 13, 14. *And David called for Zadock and Abiathar the Priests, and for the Levites, for Uriel, Asaiab, and Joel, Shemaiah, and Eliel, and Amminadab; and said unto them, Ye are the chief of the fathers of the Levites: sanctify yourselves, both you and your brethren, that you may bring up the ark of the Lord God of Israel unto the place that I have prepared for it: for, because ye did it not at the first, the Lord our God made a breach upon us; for that we sought him not after the due order. So the Priests and the Levites sanctified themselves to bring up the ark of the Lord God of Israel.—* And finally considering, that it is necessary that the Synod endeavour to remove the bars which, by these things, have been cast into the way of covenanting work; which, whatever has been said to the contrary, the Synod have sincerely at heart to further, in a way which may contribute most for the Lord's glory, and the comfort of his people.

Wherefore, for all these, and many other weighty reasons, the Synod account it their duty to correct and explain some passages in several papers, published by the Associate Presbytery, particularly in the judicial Act and Testimony, Answers to Mr. Thomas Nairn, and Acknowledgement of Sins, prefixed to the Bond for the renovation of our solemn Covenants: and where

alleged to be in the *Act and Testimony*, etc. 7
these passages agree, they shall be jointly considered.

THE FIRST PASSAGE, which the Synod notice, stands in the *Acknowledgement of public Sins*, prefixed to the *Bond*, p. 101. thus, "When the
" estates of the nation were met in a free parliament, in the year 1690, our presbyterial church
" government was settled according to its civil
" establishment in the year 1592." In the judicial *Act and Testimony*, p. 45. thus, "When
" the parliament of Scotland met, immediately
" after the Revolution,—in the second session,
" Anno 1690, presbyterian church government
" and discipline is established and ratified, according to the civil ratification and establishment given to this church, Anno 1592: thus
" a retrograde motion is made near an hundred
" years backward." In *Answers to Mr. Nairn*, thus, p. 52. "At the Revolution,—the settlement of presbytery was according to the former settlement, Anno 1592."

The Synod judge it proper to observe, that presbyterial church government, by the 5th Act of the 2d Sess. of the Revolution parliament, was not settled precisely according to the settlement in the 114th Act of parliament, Anno 1592: for, by that Act 1592, *patronages* are authorized, which the Revolution parliament, in the reviving and renewing of that Act, do expressly except; and in their 23d Act of the said 2d Sess. do rescind. And though the Revolution parliament, in settling presbyterial church government, did specify the Act 1592, (reviving and renewing it, because it had been rescinded by the first Act of the

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Second session of king Charles II's first parliament, Anno 1662; as did likewise the parliament 1640, in their settling presbytery, because it had been rescinded by the first Act of the 21st parliament of king James the sixth, Anno 1612.) In regard that Act particularly defines the several sorts of church judicatures, so that it may be well called our *defining charter in law*, and the standard of our church government, to which following parliaments, in establishing thereof, did conform: yet the parliament 1690, did not so settle presbyterian government according to the foresaid Act 1592, as to exclude Acts passed thereafter in favours thereof; for, in their fifth Act, they do revive, ratify, and perpetually confirm, all laws, statutes, and acts of parliament made for the maintenance and preservation of the true reformed protestant religion, and for the true church of Christ in this kingdom, in so far as they confirm the same, or are made in favours thereof†.

Moreover, the said Act of the Revolution parliament, "Allows and declares, that the church government be established in the hands of, and exercised by, these presbyterian ministers, who were ousted since the first of January 1661, for non-conformity to Prelacy, or not complying with the courses of the times;— and such ministers and elders only as they have admitted, or received, or shall hereafter admit or receive." Which presbyterian ministers, by their second Act of the said second session, they do "ordain and appoint—to have furthwith free access to their churches," (from which they had been thrust

† See Appendix, N° V.

alleged to be in the Act and Testimony, etc. 6

since the first of January 1661, for the foresaid causes,) "that they may presently exercise the
"ministry in these parishes, without any new
"call thereto†." And thus, not only putting
these ministers in the same state in which they
were before the year 1661, but likewise settling
the government of the church in their hands *al-*
lenarly, and in the hands of those ministers and
elders that they did, or should admit and receive.
Wherefore the Synod did, and hereby do de-
clare, that the foresaid passage, in the abovementioned
papers, published by the Associate Presby-
tery, is not absolutely to be understood, as if the
settlement of presbytery, at the Revolution, was
precisely according to its settlement in the year
1592.

The SECOND PASSAGE which the Synod take
notice of, stands in the *Acknowledgement of Sins*,
thus, p. 101. "When the estates of the nation
"met in a free parliament, in the year 1690,—
"all the steps of reformation attained to, in that
"covenanting period, betwixt 1638 and 1650,
"were neglected, and passed by."

This the Synod do ingenuously acknowledge to
be an inadvertent mistake: for,

1. The *abolishing of patronages* in Scotland,
Anno 1649, was one considerable step of the co-
venanted reformation in that period; and the
parliament at the Revolution, in their 5th Act,
Sess. 2d, settling presbyterian church govern-
ment, do expressly, in their reviving, renewing,
and confirming the 114th Act, James VI. Par.
12th, Anno 1592, except that part of it relating

B

† See Appendix, N° IV.

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to patronages. And in their 23d Act, Sess. 2d,
intituled, *Act concerning Patronages*, July 19th,
1690, they "do discharge, cass, annul, and
" make void the power of patrons, presenting
" ministers to vacant churches, with all exercise
" of the said power; and all rights, gifts, and
" infestments, acts, statutes, and customs, in so
" far as they may be extended, or understood
" to establish the said right of presentation."

2. The foresaid 5th Act of the 2d Sess. of the
Revolution parliament, doth expressly *ratify* and
establish the Confession of Faith, as the public
and avowed Confession of this church*. And
the act of assembly 1647, August 27th, (by
which act, and the act of the estates of parlia-
ment of the said date, it came to be made the
public and avowed Confession of this church,) ex-
pressly declares the said Confession of Faith to be

* The *Testimony* asserts, p. 39. That the church kept
measures with the state, in their several acts and deeds at
that juncture, (Anno 1690;) but the general assembly that
met that year, by their act, Octob. 19th, intituled, *Act ap-
proving several Overtures*, "Do appoint, that all probationers,
" licensed to preach, all intrants into the ministry, and all
" other ministers and elders, received into communion with
" them in church government, be obliged to subscribe their
" approbation of the Confession of Faith, approved by form-
" er general assemblies of this church, and ratified in the
" second session of the [then] current parliament." Con-
sequently, the parliament do ratify and establish the said
Confession (according to the *Testimony*) as a Confession ap-
proved by former general assemblies of this church; that is,
by the assemblies 1647 and 1649: nor would the words of
the act of parliament have any congruous sense to take them
as respecting the time to come,

the chiefeſt part of that uniformity in religion, which, by the Solemn League and Covenant, Anno 1643, we are bound to endeavour; and, as a ſpecial means for the more effectual ſuppreſſing of the many dangerous errors and heresies of theſe times, bleſſing the Lord, and thankfully acknowledging his great mercy, that ſo excellent a Confession of Faith is prepared, and thus far agreed upon in both kingdoms; which they look upon as a great ſtrengthening of the true reformed religion, againſt the common enemies thereof.

3. The parliament eſtabliſhing the government of the church in the hands of the miniſters only, who had not complied with Prelacy, and the other courſes of the times, ſince the year 1661.; and ſuch miniſters and elders only, as they had received, or ſhould receive; and by their ſecond act of the ſame ſeſſion, reſtoring thoſe miniſters to their churches, and the exerciſe of their miniſtry, in their pariſhes, without any new call, and ſo putting them into the ſame condition they were in before the year 1661, is not quite a neglecting and paſſing by all the ſteps of the covenanted reformation, attained betwixt the year 1638 and 1650.

Nevertheless, the Synod do ſtill acknowledge, that the Revolution-parliament did not give ſuch *ſpecial* and *particular* revival and ratification to the different covenanted ſteps of reformation attained to, in the period betwixt the years 1638 and 1650, as they ought to have done; eſpecially, that it was a declining from that covenanted reformation, which was the ſource and ſpring of the many evils that had befallen this church and land, from the year 1661, to the Revolution. But

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they desire not to despise the day of small things, nor to deny the Lord's goodness towards this church and land at the glorious and happy Revolution, which they are afraid they should do, if, after further inquiry into this matter, they should still maintain, that all the steps of the covenanted reformation, attained to, betwixt 1638 and 1650, were neglected and passed by, by the parliament, An. 1690.; especially considering, that the most of all the different appearances, which our worthy ancestors made in that foresaid covenanting period, for the cause of Christ, were only for the defence and preservation of that same true religion, in doctrine, worship, discipline, and government, which had been expressly ratified by law, in the year 1592. The Synod do acknowledge, to the glory of God, and their own shame, that this was an inadvertent mistake, which, though not designedly, yet, through misinformation, they had fallen into.

THE THIRD PASSAGE, which the Synod take notice of, stands in the judicial *Act and Testimony*, thus, p. 38. "In the second session of the same parliament, Anno 1690, presbyterian church government and discipline is established and ratified, according to the civil ratification and establishment given unto the government of this church, Anno 1592.; — and all the legal securities given to this church, in that covenanting period, from 1638 to 1650, are overlooked and passed by." In *Answers to Mr. Nairn*, p. 52. thus, "At the Revolution — all the legal securities given to this church, from 1638 to 1650, were overlooked."

alleged to be in the Act and Testimony, etc. 13

This passage is to be understood only in this sense, that the Revolution parliament did not, *expressly and particularly*, ratify and revive these legal securities, given to the church, in the period betwixt 1638 and 1650. Nevertheless the Synod do acknowledge, that considering the great, and general, and unaccountable defection, which had taken place, from the year 1660, to the Revolution, from that covenanted reformation, and the wicked and sinful overthrow of these legal securities, given this church in that covenanting period, the parliament of Scotland ought, at the Revolution, to have *explicitely and particularly* revived, ratified, and, of new, confirmed these legal securities.

The FOURTH PASSAGE, which the Synod observe, stands in the *Judicial Testimony*, p. 38. thus, "Likewise all the acts of the first session of the first parliament, of king Charles II.—" "are left untouched, in this abovementioned settlement," viz. Anno 1690. In the *Acknowledgement of Sins*, it runs thus, p. 101. "Yea, in the said settlement of presbytery, all that was done against a covenanted work of reformation, in the first session of parliament of king Charles, after his restoration, is left untouched." In *Answers to Mr. Nairn*, it runs thus, p. 52. "At the Revolution—the wicked laws, Anno 1661, condemning and razing our covenanted reformation, were left untouched."

Although the Synod do still acknowledge, that the fifth act of the second session of parliament, Anno 1690, ratifying the Confession of Faith, and settling presbyterian government, does not

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ſpecially and particularly reſcind any of the acts of the firſt ſeſſion of the firſt parliament of king Charles II. after the Reſtoration, which were enacted againſt a covenanted work of reformation, yet the ſaid act does *generally* reſcind, annul, and make void, all laws, acts, ſtatutes, ordinances, and proclamations, — contrary, or prejudicial to, inconfiſtent with, or derogatory from, the proteſtant religion and preſbyterian government which it eſtabliſhes. And it cannot be denied, that the king's ſupremacy over all perſons, and in all cauſes, which that firſt ſeſſion of king Charles II's firſt parliament, did, in their 1ſt, 11th, 36th, 38th acts, affirm, was a deed done againſt our Confession of Faith, which was the principal part of the covenanted uniformity between the years 1638 and 1650, as the aſſembly 1647 calls it; particularly againſt chap. xxv. §. 6. "There is
"no other head of the church but the Lord Je-
"ſus Chriſt." Chap. xxx. §. 1. "The Lord Je-
"ſus Chriſt, as king and head of his church, hath
"therein appointed a government in the hand
"of church officers." Sect. 2. "To theſe of-
"ficers the keys of the kingdom of heaven are
"committed," *etc.* Chap. xx. §. 2. "God a-
"lone is Lord of the conſcience." And, as it is evident, that they affirm, teſtify, and declare, and that by ſolemn oath, that the king is only ſupreme governor — in all cauſes, as theſe acts do, is contrary, or prejudicial to, inconfiſtent with, or derogatory from, the ſaid Confession of Faith, authorized both in the former covenanted reformation, and at the Revolution, ſo it is no leſs contrary, or prejudicial to, inconfiſtent with, and derogatory from, the preſbyterian govern-

ment and order, which, as the Associate Presbytery have said, (*Acknowledgement of Sins*, p. 97.) "had been, from our reformation from Popery, "believed and practised in this church and land, "and sworn to in our National Covenant;" and to the preservation whereof we are sworn in the Solemn League and Covenant: and which very thing has been the *public sense*, and *declared judgment* of this nation in the *Claim of right**; wherein it is asserted, that Prelacy, and the superiority of any office in the church, above Presbyters, is, and hath been, a great and insupportable grievance and trouble to this nation; and contrary to the inclinations of the generality of the people, ever since the reformation; they having reformed from Popery by presbyters; and that therefore it ought to be abolished †.

Moreover, the 17th act of the first session of the parliament of king Charles II. intituled, *Act anent a solemn anniversary thanksgiving*, statutes and ordains, "That in all time coming, "the 29th of May, (which was the king's birth

* *Tindal's Continuation of Rapin*, vol. xvi. p. 281. "They " (the states of the nation) not only declared it [Episcopacy] "a grievance, but also declared it a national right, that "Prelacy, or the superiority of any office in the church, "above presbyters, is, and hath been, a great and insupportable grievance and trouble to this nation;—and so inserted it in a Claim of Rights.—But they had a notion "among them, that every article, that should be put into "the Claim of Rights, became an unalterable law, and a "condition upon which the crown was to be held."

† *Ibidem*, p. 280. "The Claim of Right gave Episcopacy a fatal blow in Scotland."

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“ and restoration-day,) be set apart as a holy-day
 “ to the Lord.” And in this act, the whole of
 that covenanted reformation, and the wrestlings
 and contendings for Christ’s royal prerogatives,
 from the year 1637, to the year 1660, are de-
 clared to be a “ *public rebellion*, under the speci-
 “ ous pretences of reformation, violently carried
 “ on, against sacred authority, to the ruin and
 “ destruction, so far as was possible, of religion,
 “ the king’s majesty, and his royal government,
 “ the laws, liberties, and property of the peo-
 “ ple, and all the public and private interest of
 “ the kingdom; so that (as the act says) religi-
 “ on itself hath been prostitute, for the main-
 “ tenance of all these treasonable invasions
 “ made on the royal authority,” *etc.* As this
 wicked act does thus represent that glorious
 work of reformation, as being the height of
 treachery and rebellion, designedly and purpos-
 edly carried on under the specious pretexts of re-
 formation, and the church and state as a set of
 traitors and rebels, unworthy to live any longer:
 so it appoints, that this be solemnly commemo-
 rate in all time coming; and that the said day
 be observed for that end, and be employed in
 public prayers, preaching, thanksgiving, and
 praises to God. On which account it was truly
 the worst of all the acts of the first session of the
 first parliament of king Charles II*. But the

* *Naphtali* having spoke of the *act resistory* before, adds,
 p. 154. “ But most of all, that act then past for an *anniver-*
 “ *sary thanksgiving*; wherein, as if we had been delivered
 “ to commit all this great wickedness, the Spirit and work
 “ of the Lord are hainously blasphemed and calumniated, as

alleged to be in the Act and Testimony, etc. 17

parliament at the Revolution, Sess. 1d, Act 28th, July 19th, 1689, do expressly rescind, cass, annul, and make void, in all time coming, the said wicked and abominable act, as useless and hurtful †. And by their second act, session first, intitled, *Act recognizing their majesties royal authority*, June 17th, 1689. they " Do expressly
" retreat, and rescind, all preceeding laws, and
" acts of parliament, in so far as they im-
" pose any other oaths of Allegiance; Suprema-
" cy, Declarations, and Tests, except the oath
" *de fidelit* †." And consequently the oath of Allegiance, which, by that act, they appoint. But the oath of Allegiance, or Supremacy, was appointed to be imposed by the 1st, 11th, 36th, 38th acts of the said first session of the first parliament of King Charles II. after the Restoration. The sinfulness of which oath, and how far it was contrary to, and a deed done against the covenanted work of reformation, betwixt 1638 and 1650, has been abundantly demonstrated by our zealous contenders for that reformation in our

" the only author and cause of all the blood, bondage, u-
" surpation, rebellion, rapine, violence, and other evils, that
" either the malice and wickedness of men had caused, or God,
" in his righteous judgment, had therefore permitted or in-
" flicted; and the ranversing of our blessed reformation, ho-
" ly covenants, and righteous laws whereby they were esta-
" blished, accounted the reformation of religion, righteous-
" ness, and liberties; and the 29th of May, as most au-
" spicious, appointed for the yearly commemoration there-
" of."

† See Appendix, N^o VII.

† See Appendix, N^o I.

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late times *; and, in some measure, acknowledged in the Judicial Testimony, p. 31.

The Synod do therefore sincerely acknowledge, that as the design of the foresaid passage, in the papers abovementioned, was to confess the *omissions* of the Revolution parliament; and particularly, in reference to their not rescinding the acts made against a covenanted work of reformation, in the first session of the first parliament of king Charles II. (not merely and only in their foresaid fifth act of their second session, settling presbyterian church government, seeing their not rescinding them in that act, could have been no crime, had they done it explicitly and expressly in any other act, or acts, in that session :) so, in the composition of the said passage, there has not been that due caution observed, which the nature of the thing required. Nor can it be denied, that as the foresaid wicked act, concerning an *anniversary thanksgiving*, had escaped the notice of the brethren, at that time; for which reason, there is not any mention made thereof, in any one of these papers published by the Associate Presbytery, among the other sinful deeds or acts of the first session of king Charles II's first parliament; so they did not know, not being much versant in acts of parliament, that it was expressly rescinded,

* *Apologetical Relation*, p. 114, to 200. *Naphtali*, first edition, p. 127, 128. *Jus Populi Vindicatum*, chap. xi. *Hind let Loose*, last edition, from p. 496, to 521. but particularly p. 523, 524, etc. where they likewise make it appear, especially the *Apologetical Relation*, p. 127, 128. that the foresaid oath of Allegiance, or Supremacy, did include in it all the evil acts of that first session of the first parliament of king Charles II.

alleged to be in the Act and Testimony, etc. 19

by the foresaid 28th act, of the second session, of the Revolution parliament, till of late, that the Synod have more narrowly looked into the acts and deeds of that parliament, than they had formerly done. Neither did they particularly notice, that the second act of the first session of the Revolution parliament, retreating and rescinding the laws imposing former oaths of Allegiance and Supremacy, did thereby rescind several of the acts of the first session of the first parliament of king Charles II.

The FIFTH PASSAGE, which the Synod take notice of, stands in the *Judicial Testimony*, p. 38. thus, "The infamous Act Rescissory, (An. 1661.) whereby the covenanted reformation was razed, and the acts and deeds of that covenanting period, [viz. between 1638 and 1650.] were declared seditious and treasonable, is left untouched in this abovementioned settlement, [viz. in the fifth act of the second session of the Revolution parliament.] And, in the *Acknowledgement of Sins*, p. 101. it runs thus, "The infamous Act Rescissory, whereby all the acts and deeds of the foresaid covenanting period, were declared null and void, is never repealed."

It will readily be acknowledged, by all who have a due sense of, and regard for, the covenanted reformation, betwixt An. 1638 and 1650, that this act rescissory was an *infamous act*. But as there are three things here asserted of it, (1.) That thereby the covenanted reformation was razed, and the acts and deeds of that covenanting period, betwixt 1638 and 1650, were declared seditious and trea-

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feasible: (2.) That thereby all the acts and deeds of that covenanting period were *declared null and void*: and, (3.) That it was left *untouched* in the settlement of presbytery at the Revolution, and is never repealed: the Synod shall therefore consider each of these particularly.

And *first*, it is acknowledged, that the said act did, in a great measure, pretend to raze the covenanted reformation, by rescinding and annulling the parliaments kept, *Annis* 1640, 1641, 1644, 1646, 1647, and 1648, and all acts and deeds done in them; declaring the same to be henceforth void and null: and by several other bitter invectives against that reformation, in the said act: particularly, by representing the appearances made for the covenanted reformation, in that period, as “miseries, confusions, and disorders; neglects, contempts, and invasions, which, in and from the beginning of these troubles, [that is, according to them, from the year 1637,] were upon the specious, but false, pretexes of reformation, (the common cloke of all rebellions,) offered unto the sacred person, and royal authority, of the king’s majesty, and his royal father. — That such had been the madness and delusions of these times, that even religion itself — had been pretended unto, for warrant of all these injurious violations and inroachments, so publicly done, and owned, upon, and against his majesty’s just power, authority, and government; by making and keeping unlawful meetings and convocations of the people; by entering into covenants, treaties, and leagues; — and by holding of pretended parliaments, making of

“ laws, and raising of armies for maintaining the
“ same: — and that not only without warrant,
“ but contrary to his majesty's express com-
“ mand.”

The said act does farther declare, “ That such
“ was the prevalency of the spirit of rebellion,
“ that raged in many for the time” — that they
“ did most unworthily engage to subvert his ma-
“ jesty's government, and the public peace of
“ the kingdom of England; for which purpose,
“ having joined in a league with some there,
“ they for the better prosecution of the same,
“ did assume to themselves the royal power;
“ kept and held parliaments at their plea-
“ sure; — laid new exactions on the people; —
“ levied armies; sent out edicts, requiring obe-
“ dience unto their unlawful demands; and,
“ with all manner of violence, pursued such, as
“ out of duty to his majesty's authority opposed
“ them, by fines, confinements, imprisonment,
“ banishment, death, and forfeiture of their po-
“ sterity; — invaded his majesty's kingdom of
“ England, and joined with such as were in arms
“ against his majesty there. And thus main-
“ tained their usurped power, and violently exe-
“ cuted the same, against all law, conscience,
“ honour, and humanity, have made themselves
“ instruments of much loss, shame, and disho-
“ nour to their native country; and have justly
“ forfeited any favour they might have pretend-
“ ed to, from his majesty's former concessions.”

The said act doth likewise declare, “ That
“ most of the acts, in all, and every meeting of
“ these — parliaments, do highly incroach upon,
“ and are destructive of, that sovereign power,

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“ authority, prerogative, and right of govern-
“ ment, which — doth reside in, and belong to,
“ the king’s majesty,” [who, as the act, in ano-
ther part, asserts, doth hold his imperial crown
immediately from God almighty alone;] “ and
“ do reflect much upon the honour, loyalty, and
“ reputation of this kingdom, or are expired,
“ and serve only as testimonies of disloyalty and
“ reproach upon the kingdom.” Therefore the
act rescinds and annuls these parliaments, and
their acts and deeds, as has been said. But the
said act does no other way declare the acts and
deeds of that covenanting period *seditionous and trea-
sonable*, than as has just now been represented;
although many other acts of the persecuting pe-
riod, betwixt 1661 and 1688, do so. And there-
fore the Synod did, and hereby do declare,
that the foresaid passage, in the *Judicial Act and
Testimony*, ought to have been express with *more
caution*. With reference to the

Second particular, namely, that by the said
Act Rescissory, all the acts and deeds of that fore-
said covenanting period were *declared null and
void*; the Synod do ingenuously acknowledge, that
this is not fact; for all the acts and deeds of that
covenanting period, that were declared null and
void by the *act rescissory*, were only the acts
and deeds of the parliaments, *Annis* 1640, 1641,
1644, 1645, 1646, 1647, and 1648. And by the
ninth act of the said first session of the first par-
liament of king Charles II. intitled, *Act approv-
ing the engagement 1648, and annulling the pre-
tended parliaments and committees kept there-
after*; the committee of estates that met Sept.
1648; the parliament that met Jan. 1649; and

the parliaments and committees of estates, *Annis* 1650, 1651; together with all other meetings of any parliaments or committees flowing from the same; and all acts, deeds, and treaties done by them, or their warrant, are *rescinded* and *annulled*, except such acts, in any meetings of parliament, or committee of estates, as were authorized by his majesty's presence, and are not inconsistent with the said act. And, in like manner, by the sixth act of the said first parliament of king Charles II. session first, intituled, *Act annulling the pretended convention of estates, kept in the year 1643*, the said convention of estates, with all that was done therein, is declared *void* and *null*; and all the acts and deeds whatsoever, ratifying and approving of the same, are *rescinded* and *annulled*. Moreover, by the fourth act of the said first session of the first parliament of king Charles II. intituled, *Act asserting his majesty's royal prerogative, in making of leagues, and conventions of the subjects*, (which is more amply explained in act 2d, sess. 2d, par. 1st, Charles II. intituled, *Act for the preservation of his majesty's person, authority, and government*;) they do declare, "That any explication, or gloss, "that, during the late troubles [that is, from "1637 to 1660] hath been put upon these acts, " [viz. the 131st act of the 8th par. and the "12th act of the 10th par. of king James VI.] "as that they are not to be extended against any "leagues, councils, conventions, assemblies, or "meetings, made, holden, or kept by the subjects, for the preservation of the king's majesty, "the religion, laws, and liberties of the king, "dom, or for the public good either of kirk or

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“ kingdom, are false, and disloyal, and contrary
“ to the true and genuine meaning of these acts;
“ and therefore his majesty, with advice of the
“ estates of parliament, doth discharge, and for
“ ever annul the same, and all acts and practices
“ that have been in pursuance thereof.” Where-
by all the meetings, councils, and conventions
of the subjects, at the beginning of that glorious
reformation, as well as the assemblies of the
church, and their acts and deeds, are at once con-
demned, and the favourable sense they had put
upon the two foresaid acts of king James VI's
parliaments.

These are a few examples, by which it is con-
firmed, that the *act rescissory*, formerly menti-
oned, did not declare null and void ALL the acts
and deeds of the covenanting period, betwixt
1638 and 1650, though it did declare the most
part of them so. Wherefore the Synod judge,
that the foresaid clause, in the *Acknowledgement of
Sins*, namely, “ That, by the *act rescissory*, all
“ the acts and deeds of the foresaid covenanting
“ period, were declared null and void,” should
no more remain in the *Acknowledgement of Sins* :
and they did, and hereby do appoint, that the
same be quite erased. With reference to the

Third proposition, viz. that the *act rescissory*
was left untouched at the Revolution, in the set-
tlement of presbytery, and is never repealed, the
Synod do declare, that this is not to be under-
stood, as if the *act rescissory*. [which are the 15th
act, or the 6th and 9th acts of that first session of
King Charles II's first parliament, rescinding the
convention of estates 1643, and their acts; and
the parliament 1649, and those that followed,

with their acts and deeds] were left unrescinded by the Revolution parliament, in so far as they were opposite to, inconsistent with, or derogatory from, the true protestant religion, and presbyterian church government, professed, and authorized, between 1638 and 1650; for, though they were not *expresly* and *particularly* repealed, which, considering how wicked they were, ought to have been done, yet they were *generally* and *materially* rescinded; as is evident from the general clause in the fifth act of the second session of the parliament at the Revolution, "rescinding, annulling, and making void—all—laws, statutes, ordinances, and proclamations, and that so far allenary, as the said—are contrary, or prejudicial to, inconsistent with, or derogatory from, the protestant religion and presbyterial government now established." And as the said *act rescissory*, annulling and making void many of the laws and acts made between the year 1640 and 1650, was contrary, or prejudicial to, inconsistent with, and derogatory from, the protestant religion, and presbyterial government, the said *general clause rescissory*, in this act of settlement, must be as effectual to rescind and annul it, in the above respect, as the *act rescissory* was to rescind and annul these acts and laws, seeing it does not specify any-one of them, but rescinds them *generally*. And, in like manner, as effectual for that purpose, as the 6th act, Charles I, par. 2d, *Anno* 1640, intitled, *Act Rescissory*, was; (by a general clause rescissory, calling and annulling all acts and statutes made contrary to act 114th, *Anno* 1592,) for rescinding and annulling act 1st, par. 18th, James VI. *Anno* 1606,

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(ratified Charles I. par. 1st, act 3d,) intituled, *Act anent the king's majesty's royal prerogative*, which ratifies, approves, and perpetually confirms his majesty's "sovereign authority, princely power, "royal prerogative, and privilege of the crown, "over all estates, persons and causes whatsoever, "within the kingdom." Which act, the fore-said *act rescissory*, Anno 1640, does not *special-ly*, but thus *generally* rescind; though both it, and the act renewing it, are manifestly contrary to the 114th act, An. 1592, and to the said act 1640 itself, which "declares, that the sole and "only power and jurisdiction, within this kirk, "stands in the kirk of God, as it is now reform-
"ed." And finally, that the fore-said general clause rescissory, in the *Revolution act*, must as effectually rescind the *act rescissory*, in the above respect, as the 4th act, par. 2d, Charles I. (intituled, *Act anent the ratification of the acts of assembly*, June 11th, 1640,) did rescind all the acts of parliament, or council, formerly made, contrary, and in prejudice of the said act, or any part thereof, which yet it only did by a general clause rescissory ‡.

The Revolution parliament conceived it "to
"be their bound duty, after the great deliverance
"that God had lately wrought for this church
"and kingdom, in the first place, to settle and
"secure therein the true protestant religion, ac-
"cording to the truth of God's word, as it hath
"of a long time been professed within this land;"
they therefore "do revive, ratify, and perpetu-

‡ See Collection of Confessions and Acts, p. 516, 517, 518, 519, and 520.

“ ally confirm, all laws, statutes, and acts of
“ parliament made—for the maintenance and
“ preservation of the true reformed protestant re-
“ ligion. Likeas, by these presents, they ratify
“ and establish the Confession of Faith—as the
“ public, avowed Confession of this church, con-
“ taining the sum and substance of the doctrine
“ of the reformed churches †.”—Here the parlia-
ment acknowledges a great deliverance wrought by
God for this church; not a church merely, and
only to *meet afterwards*, but a deliverance
wrought *lately for this church* [of Scotland,] that
had been for twenty-eight years, preceeding that
date, in the fiery furnace: and the ministers
whereof, the parliament had, by their second act,
and second session, restored to their flocks, from
which they had been violently thrust, at, and since
the year 1661, for not complying with Prelacy,
and the other courses of the times.—Again, they
propose to “ settle and secure [in this church and
“ kingdom] the true protestant religion, accord-
“ ing to the truth of God’s word, and as it hath
“ been of a long time professed within this land;”
and that was, in general, ever since the reforma-
tion 1560, (as the National Covenant declares;) and,
in particular, in the *Westminster Confession of Faith*,
which, as has been formerly noticed, was made the
public and avowed Confession of this church, by the
act of assembly, August 27th, 1647. and by the act of
the estates of the nation the said day.—Further, with
reference to the church, and *church government*, they settle
and secure presbyterial church government “ as agree-
“ able to the word of God, and most conducive

† See Appendix, No V.

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“ to the advancement of true piety and godliness,
 “ and the establishing of peace and tranquillity
 “ within this realm *.”—Likewise, they establish
 it as the government of Christ’s church, within
 this nation, in opposition to *Prelacy*, which had
 been abolished by the third act of the first session
 of the said parliament; and *generally* they ratify
 ALL acts, statutes, and constitutions ever made,
 establishing it.—Again, they declare presbyterian
 government to have been, all along, since the
 reformation, agreeable to the inclinations of the
 generality of the people; and to have been “ ra-
 “ tified and established by the 14th act of the
 “ 12th par. James VI. 1592; and thereafter re-
 “ ceived, by the general consent of this nation,
 “ to be the only government of Christ’s church
 “ within this kingdom †. But this was princi-
 pally betwixt 1638 and 1660: for, soon after the
 year 1592, Prelacy was introduced, which had
 the authority of law till 1640; though the gene-
 rality of the nation were, in their judgment and
 witnessing, for presbytery, at least from the lat-
 ter end of the year 1637.—Moreover, they lodge
 presbyterian church government, allenarly, in

* See Appendix, N^o V.

† *The Assembly’s Letter to the King*, Novem. 21st, 1638.

“ When your majesty’s wisdom hath searched the secrets of
 “ this assembly, let us be reputed the worst of all men.—
 “ if we have not kepted ourselves within the limits of our
 “ own reformation, without debording, or reflecting upon
 “ the constitution of other reformed kirks, unto which we
 “ heartily wish all truth and peace; and by whose sound
 “ judgment, and Christian affection, we certainly look to
 “ be approven. —We were far from the smallest appear-
 “ ance of wronging any other reformed kirk.”

the hands of the *outed ministers*, who had not complied with Prelacy, and the other courses of the times; and such only as they had received, or should receive ‡.—And they declare these ministers to have “right to the maintenance, rights, “and other privileges, by law provided to the “ministers of Christ’s church within this king- “dom;” without *excluding* any of these rights and privileges, by law provided for such ministers, by the parliaments, *Annis* 1640, 1641, 1643, 1644, 1646, 1647, 1648, 1649, 1650 †.

As the said *act rescissory* is thus generally rescinded, the Synod do not judge it proper, that it should remain any longer an article in the Acknowledgement of Sins, *that the said infamous Act Rescissory is never repealed*: wherefore they did, and hereby do — decern, that the said clause be expunged out of the same.

‡ Tindal’s *Continuation of Rapin*, vol. xvi. p. 490. “If “they had followed the pattern [*viz.* in settling presbyte- “ry] of *Anno* 1638, all the clergy, in a parity, were to “assume the government of the church. But these being “episcopal, they did not think it safe to put the power of “the church in such hands. It was therefore pretended, “that such of the presbyterian ministers, as had been turn- “ed out in the year 1662, ought to be considered, as the “only sound part of the church; and of these there hap- “pened to be then sixty alive. The government of this “church was therefore lodged with them.”

† This is still the more confirmed, that the *Revolution parliament*, in their second act, session second, do restore these ministers to their parishes and churches, without any new presentation or call thereto, by which the parliament do assert their former relation standing to these parishes,

THE SIXTH PASSAGE, which the Synod take notice of, stands in the *Acknowledgement of Sins*, thus, p. 101. "That impious and wicked act, the second act of the second session of the same parliament, (*viz.* the first parliament of king Charles II. after his restoration) declaring null and void the proceedings of that faithful assembly at Glasgow, in the year 1638; and all other acts and deeds of that reforming period, stands in the body of our Scots laws to this day."

As to what this act did declare null and void †, the Synod do adhere to what is said about it in the *Judicial Act and Testimony*, p. 22, 23. where the matter is more justly represented, than in this passage; and where it is also asserted, that, at least, a part of the said act was condemned by the memorable Revolution, *Anno* 1688. And with reference to the rescinding of this act, it may be said, that though it was not done *speciallly* and *particularly*, at, or since the Revolution; yet it was *materially* and *generally* rescinded, both in the fifth act of the second session of the Revolution parliament, by the *general rescissory clause*, and in their 27th act, *Rescinding the laws for conformity*; particularly, the fifth act of the second session of king Charles II's first parliament, intitled, *Act concerning the declaration to be signed by all persons in public trust*, and the third act

† This act did indeed declare *some* of the acts of that reforming period null and void; but not *all* of them, for that was done by many other different acts of parliament in that persecuting period, betwixt 1661 and 1688.

of the third session of his first parliament to the same purpose; and both these acts, which are rescinded, contained much the same things which are in the foresaid second act of the second session of the first parliament of K. Charles II. But besides, the said 27th act, *Anno 1690, Rescinding the laws for conformity*, does “rescind, cass, annul, and
“make void—generally, all other acts, clauses,
“and provisions in acts whatsoever, made since
“the year 1661 inclusive, against non-conformi-
“ty, or for conformity to the church, and go-
“vernment thereof, as then established, under
“arch-bishops and bishops,” and must of consequence rescind the foresaid act among others of the same stamp; for it was chiefly calculated for that purpose, as is evident from the act itself, which “statutes and enacts, that if any person,
“or persons, shall, by writing, printing, pray-
“ing, preaching, lybelling, remonstrating, or
“by any malicious and advised speaking, ex-
“press, publish, or declare any words or sen-
“tences, to stir up the people to the hatred or
“dislike of his majesty’s royal prerogative, and su-
“premacy, in causes ecclesiastic, or of the govern-
“ment of the church by archbishops and bishops,
“as it is now settled by law, or to justify any of the
“deeds, actings, practices, or things abovementioned, and declared against, in this present
“act,—[they] are hereby declared incapable
“to enjoy, or exerce any place or employment,
“civil, ecclesiastic, or military, within this king-
“dom; and shall be liable to such further pains
“as are due by the law in such cases.”—Wherefore the Synod do judge, that the foresaid passage, with reference to that impious and wicked

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act, the second act of the second session of king Charles II. parliament first, should no longer stand in a solemn *Acknowledgement of Sins* prefixed to the Bond for renewing our solemn Covenants; and they did, and hereby do appoint, that the same be left out.

And, for the same reason, the Synod reckon it improper, that the clause immediately following the former, p. 101. *viz.* "And thus that great work, which the Lord wrought, with an outstretched hand, in the days of our fathers, lies still buried under the grave-stone of several parliamentary acts and deeds," should remain in the *Acknowledgement of Sins*; the same being too general an expression, and not universally true.

THE SEVENTH PASSAGE, which the Synod shall mention, runs, in the *Judicial Act and Testimony*, thus, p. 38. "The indignities done to the National Covenant, and to the Solemn League and Covenant, and consequently to the most high God, the great party in them, are never regarded, [*viz.* at the Revolution,] but these solemn oaths and covenants are left buried under an *act rescissory*, and other acts and deeds subversive of them." And p. 39. "This nation did not resent the indignities and injuries done, in the former period, to the great God, whose awful name was interposed in these solemn covenants and oaths." — In *Answers to Mr. Nairn*, thus, p. 52. "Nor was any regard had [*viz.* at the Revolution] to the solemn oaths and covenants, which we then [*viz.* betwixt 1638 and 1650] came under."

Although the Synod do acknowledge, that neither the judicatories of the church, nor the state, did so regard our Covenants, at, or since the Revolution, as to *swear* them, or *appoint* them to be *sworn*, in a manner suited to their circumstances, which was certainly their sin; yet the Synod have found good reason to own, that the abovementioned passage, both in the *Judicial Testimony*, and *Answers to Mr. Nairn*, is a *mistake*: as will appear by the consideration of some of these acts, whereby the greatest indignities and injuries were done to these Covenants, and noticing how the said acts have been rescinded at the Revolution.

The sum of all the injuries and indignities done to our solemn Covenants, in any act of parliament, from the year 1661, to the Revolution, is contained in the 5th act of the 2d session of the 1st par. of king Charles II. Anno 1662, intituled, *Act concerning the Declaration to be signed by all persons in public trust*. The tenor of which Declaration follows: “I———do sincerely as-
“firm and declare, that I judge it unlawful to
“subjects, upon pretence of reformation, or o-
“ther pretence whatsoever, to enter into leagues
“and covenants, or to take up arms against the
“king, or those commissioned by him: and that
“all those gatherings, convocations, petitions,
“protestations, and erecting and keeping of coun-
“cil-tables that were used in the beginning, and
“for carrying on of the late troubles, were un-
“lawful and seditious; and particularly, that these
“oaths, whereof the one was commonly called
“*The National Covenant*, (as it was sworn and
“explained in the year 1638, and thereafter;)

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“ and the other, intitled, *A Solemn League and Covenant*, were, and are in themselves, unlawful oaths; and were taken by, and imposed upon, the subjects of this kingdom, against the fundamental laws and liberties of the same. “ And that there lyeth no obligation upon me, “ or any of the subjects, from the said oaths, or “ either of them, to endeavour any change or “ alteration of the government, either in church “ or state, as it is now established by the laws of “ the kingdom.” This Declaration is again enjoined, by the third act of the third session of king Charles II’s first parliament, *Anno 1663*, intitled, *Additional act, concerning the Declaration to be signed by all persons in public trust*.—— But both these acts are not only generally rescinded, in the second act of the first session of the Revolution parliament, intitled, *Act recognizing their majesties royal authority*, in these words, “ and “ do hereby retreat and rescind all preceeding “ laws and acts of parliament, in so far as they “ impose any other oaths of allegiance, supremacy, declarations, and tests, except the oath “ *de fideli*,” but they are specially and particularly rescinded, by the 27th act, session second of that parliament, intitled, *Act rescinding the laws for conformity*.

Again, in the Test, which, (by the sixth act, parliament third, Charles II. *Anno 1681*, intitled, *Act anent Religion and the Test*,) all persons, in offices and places of public trust, civil, ecclesiastic, and military, were bound to swear, there are these words, “ I—do affirm and swear, by “ this my solemn oath, that the king’s majesty “ is the only supreme governor of this realm,

“ over all persons, and in all causes, as well ecclesiastic as civil.— And I further affirm and swear, by this my solemn oath, that I do judge it unlawful for subjects, upon pretence of reformation, or any other pretence whatsoever, to enter into covenants or leagues, or to convoke, convene, or assemble, in any councils, conventions, or assemblies, to treat, consult, or determine, in any matter of state, civil or ecclesiastic, without his majesty’s special command, or express licence had thereto; or to take up arms against the king, or those commissioned by him: and that I shall never so rise in arms, or enter into such covenants, or assemblies: and that there lies no obligation on me, from the National Covenant, or the Solemn League and Covenant, so commonly called, or any other manner of way whatsoever, to endeavour any change or alteration in the government, either in church or state, as it is now established by the laws of this kingdom.”—— But this hellish act is rescinded *generally*, by the foresaid general clause in the second act of the first session of the Revolution parliament, and *particularly, formally*, and by *name*, in their fifth act, session second, *Ratifying the Confession of Faith, and settling presbyterian Church government*; and by their 28th act of the said second session, intitled, *Act rescinding several acts of parliament*. Which last mentioned act does also rescind the 13th act, par. 1st, sess. 1st, James VII. which appoints the *Test* to be imposed, as a general test of loyalty, on the subjects of all ranks and degrees, excepting women.

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Moreover, the fifth act of the first parliament, session first, James VII. intituled, *Act declaring it treason to take or own the Covenants*, “doth declare, that the giving, or taking of the National Covenant, as explained in the year 1638, or of the League and Covenant, (so commonly called) or writing in defence thereof, or owning them as lawful, or obligatory on themselves, or others, shall infer the crime and pains of high treason.” But this act is expressly, specially, and formally rescinded, by the foresaid 28th act, second session of the Revolution parliament; as is to be seen in the act itself*.

Finally, Act 17th, par. 1st, sess. 1st, James VII. intituled, *Act for taking the oath of Allegiance*, (*Anno 1685*). “Doth ratify, confirm, and approve what hath been done by his majesty’s privy council, justice court, and these commissioned by them, in banishing, imprisoning, or fining such as refused to take and swear the oath of Allegiance, and to assert the royal prerogatives, mentioned in the 11th act, par. 1st, of king Charles II. sess. 1st. And further ordains all the subjects of this kingdom to take and swear the oath of Allegiance, and to assert the said prerogatives whenever they shall be required,—under the pain of banishment, imprisonment,” &c. Now, the foresaid 11th act, asserting these royal prerogatives, besides many other things very extravagant, declares, “That the power of arms, making peace or war, or to make any treaties and leagues with

* See Appendix, N° VII.

“ foreigners, or among themselves, doth properly reside in the king’s majesty, his heirs and successors, and is their undoubted right, and theirs alone: and that it is high treason in the subjects of this kingdom, or any number of them, upon whatsoever ground, to rise, or continue in arms, to maintain any forts, garrisons, or strengths, to make peace or war, or to make any treaties or leagues with foreigners, or among themselves, without his majesty’s authority first interposed thereto.—That it is unlawful for subjects, of whatsoever quality, or function, to convocate, convene, or assemble themselves, for holding of councils, conventions, and assemblies, to treat, consult, and determine, in any matters of state, civil, or ecclesiastic, (except in the ordinary judgment,) or to make leagues or bonds, upon whatsoever colour or pretence, without his majesty’s special consent and approbation had thereunto: That the League and Covenant, and all treaties following thereupon, and acts and deeds that do, or may relate thereunto, are not obligatory, nor do infer any obligation upon this kingdom, or the subjects thereof, to meddle or interpose by arms, or any seditious way, in any thing concerning the religion and government of the church of England and Ireland, or in what may concern the administration of his majesty’s government there.— And that none of his majesty’s subjects should presume, upon any pretext of any authority whatsoever, to require the renewing or swearing of the said League and Covenant, or of any other covenants, or public oaths,

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“ concerning the government of this church and kingdom.— And that none renew or swear the same, without his majesty’s special warrant and approbation,” *etc.* Then follows the asserting the prerogatives. “ I—do conform to the acts of parliament foresaid,” [*viz.* the several wicked acts past on the 11th and 25th of January preceeding, concerning these points;] “ and declare that I do, with all humble duty, acknowledge his majesty’s royal prerogative, right, and power in all the particulars, and in the manner aforementioned : and I do heartily give my consent thereto by these presents : subscribed by me at —.” But the foresaid 17th act, par. 1st, James VII. is *expresly* and *particularly* rescinded, by the Revolution parliament, sess. 2d, act 28th, intituled, *Act rescinding several acts of parliament* : and that 11th act, par. 1st, sess. 1st, Charles II. intituled, *Act for taking the oath of allegiance, and asserting the royal prerogative*, (a part whereof has been just now recited,) is *generally* rescinded, by the parliament, act 2d, sess. 1st, William and Mary, Anno 1689, intituled, *Act recognoscing their majesties authority*, which doth retreat and rescind all preceeding laws and acts of parliament, in so far as they impose any other oaths of allegiance, supremacy, declarations, and tests, except the oath *de fideli*.

Thus the most *material* indignities and injuries done to our covenants, in the persecuting period, were *regarded, resented, and rescinded* at the Revolution. Nor can it be absolutely said, in a consistency with truth, and matter of fact, that they were *left buried under an act rescissory, and other acts and deeds subversive of them*; for, however

wicked the *act rescissory* be, and though it was designed, as most of the acts of that period, touching religion, were, to give a thrust to our covenants, yet it was not *thereby*, but by several other acts that our covenants were buried. However, it could have been wished, that the Revolution parliament had, by *name*, and *expressly*, rescinded acts 4th and 7th, 1661; and act 2d, 1662: though yet it must be owned they did rescind them as to the *substance* and *matter* of them.

Hence it follows, that what is asserted in the *Judicial Act and Testimony*, p. 38. viz. "That
" Prelacy is never considered, at the Revolution,
" as contrary to the word of God, and abjured
" by our Covenants; nor our presbyterian church
" government and discipline, as what the land
" is bound and obliged to maintain by most solemn oaths and covenants;" and in *Answers to Mr. Nairn*, p. 52. "At the Revolution Prelacy was not abolished as contrary to the word
" of God, and abjured by our Covenants," etc. if absolutely understood is a *mistake*: for, as the National Covenant, as explained in the year 1638, and the Solemn League and Covenant, did both abjure Prelacy, and were conceived for the maintenance of Presbytery, and were therefore rescinded, condemned, renounced, and abjured, as in themselves unlawful oaths, and not obligatory, by the parliaments of K. Charles II. and James VII. And as the Revolution parliament did rescind these acts, thus renouncing and abjuring them, they did, at least, *materially approve* of the National Covenant, as explained 1638, to abjure Prelacy, and the five articles of Perth, and the Solemn League, as in themselves lawful oaths, and as

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obligatory: and therefore it is only true in this sense, that the Revolution parliament, in rescinding Prelacy, and the acts of parliament formerly made for its support, and in establishing presbyterian church government, did not *expressly* and *explicitly* declare, assert, and affirm Prelacy to have been abjured by our Covenants; and that the whole land were, by these Covenants, bound to maintain presbyterian church government: and likewise, that they did not, by their parliamentary authority, appoint these Covenants to be sworn by all ranks, nor did then swear them themselves, which they did not, although, by rescinding as above, the acts of parliament made, in the former persecuting period, against these solemn oaths and Covenants, they made it lawful and warrantable for any person, or persons, and even for the whole land, to have entered into these Covenants, in a way suitable to their present circumstances. And it is to be sadly lamented, that when such a fair opportunity was then given to the ministers and members of this Church, to renew our covenants, that they did not lay hold thereof, either in that, or any other season since; though they have often professed sorrow for the breach of these covenants*,

* *An Act* *anent a solemn National Fast*, with the causes thereof, Nov. 14th, 1690. *Act for a solemn Fast*, March 4th, 1701; which hath these words, "—Sins which are so much the more aggravated, that they are against so many solemn repeated vows and engagements thereto, and covenants with our God, which have been openly violated and broken, by persons of all ranks, and treated with public contempt, indignities, and affronts." *Act concern-*

and sometimes pled them against the sinful courses of the times †.

The EIGHTH PASSAGE, which the Synod shall take notice of, stands in the *Judicial Act and Testimony*, thus, p. 39. "By the same parliament [*viz.* Anno 1689] the oath of Allegiance to the sovereign is appointed to be sworn in place of any other oaths imposed by laws and acts of preceeding parliaments.—The terms in which the act is conceived, appear plainly to exclude the oath of the Covenant, which contained a very solemn test of allegiance to the sovereign." Pag. 46. "The allegiance is substitute in the room of our solemn National Covenants, which contain the strictest engagements of duty to the sovereign, a most solemn renunciation of Popery, and consequently of all popish pretenders whatsoever." In the *Acknowledgement of Sins*, p. 101. thus, "By the same parliament, in the year 1690, instead of our covenant allegiance, which was judged a proper badge of loyalty, in our re-forming periods, a general oath of allegiance to the sovereign was imposed." In *Answers to Mr. Nairn*, p. 52. it runs thus, "At the Revolution,—a general oath of allegiance was imposed, plainly excluding the oath of our Covenants."—P. 55. "The question is not, whether it be lawful for us to swear the *present Al-*

ing a Fast, April 25th, 1709. *Act for the due observation of the Fast*, etc. May 6th, 1710, etc. *Commissions seasonable Admonition*, 1698.

† *Commissions second Address to the parliament*, 1707.

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“ *legiance* to the civil government, which the
“ Presbytery acknowledge they cannot do; see-
“ ing there are no oaths to the government, in
“ being, but what exclude the oath of our Cove-
“ nants, or homologate the united constitution.”

There are a few things which the Synod judge proper to observe, concerning what is here said of the *oath of Allegiance* and our Covenants, and that both for explication and correction.

And, *first*, as the Synod, with all sound divines, lawyers, and casuists, do acknowledge the *lawfulness* of the peoples oath of fidelity and allegiance to their lawful magistrate *, as well as of the magistrates oath to the people, to rule them according to law; so, it never was intended by the Associate Presbytery, to condemn the foresaid oath of allegiance, imposed at, and since the Revolution, as *sinful*, because it seems to be conceived in terms somewhat general: for that oath is by no means absolute, illimited, unqualified, or unrestricted, when therein the swearer does promise and swear to be *faithful*, and bear *true allegiance* to the sovereign; which is as much as to promise allegiance and obedience *in the Lord* †. For, as fidelity, or *to be faithful* to the

* *Shields on Church Communion*, last edition, p. 107, 108.

“ No reformed divine ever denied, that the civil magistrate
“ hath power and authority to impose all civil duties on all
“ his subjects, and consequently on ministers; and, in some
“ cases, exact of them legal securities by oath, or other-
“ wise, for their faithfulness in these duties.—An oath of
“ allegiance and assurance is of this nature.”

† *Shields, ut supra*, p. 108. “ The matter and form of
“ this oath is unexceptionable. There is nothing in it that

supreme magistrate, (which, by the *Fifth Commandment*, all inferiors owe to their superiors, *Larger Catechism*, on *what is required in the Fifth Commandment*?) can never, in the nature of things, nor sense of words, import any obedience or subjection, but in lawful things; so, true allegiance must necessarily imply in it, that our duty to magistrates is subordinate unto the duty we owe to God; and must no way derogate therefrom, forasmuch as both magistrates and subjects are to be governed, in their actions, by his law, who is *higher than the highest*, and by whom *kings reign*, and all the princes, nobles, and judges of the earth rule, and decree justice. As all the powers of the earth are subordinate to God, the great king over all, so to swear true allegiance to these powers, is a plain acknowledgement, that all allegiance, fidelity, subjection, and obedience is to be given them, with a *reserve* of the allegiance, fidelity, subjection, and obedience *due to God*; and that man's interest is not to be preferred to his, but always to be subordinate thereto: for, to act otherwise, is so far from be-

" can be called unlawful; nothing, but what we, and all sub-
" jects, are antecedently obliged to. No allegiance is re-
" quired, but that which is true and faithful, which can-
" not be illimited and unlawful. Nor do we understand any
" thing by it, but true loyalty and obedience in the Lord;
" or in the preservation and defence of the true religion,
" according to the words expressed in the Covenant. Nor
" doth this oblige us to obey any unlawful command, or
" comply with any encroachment prejudicial to the church's
" privileges, but rather may give confidence to oppose
" them."

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ing true allegiance, that it is perfidy both to God and these powers.

But though the foresaid oath of *allegiance* had not been so restricted and qualified as it is, by having in it the words *true* and *faithful*, and tho' it had been exprest in more general and indefinite terms, yet it could not, for that reason, have been unlawful *; because *allegiance*, to lawful princes, can import no more, and no less, than those duties of honour, which, by the Fifth Command, we owe them; and cannot include an *il-limited* obedience and subjection to ALL their commands, though ever so unlawful.

Secondly, The Synod think it proper to notice, that when it is said, our Covenants "contained a solemn test of *allegiance* to the sovereign;" and that "our *covenant allegiance*" was judged a proper badge of loyalty, in our "reforming periods;" and that our Covenants did "contain the strictest engagements of duty to the sovereign," it is not to be understood, as

* *Covenanters Plea*, chap. xvi. "Divines reasonably say, that in all promissory oaths, certain conditions, though not exprest, are yet necessary to be supposed, viz. *If God will*, otherwise the performance will be impossible; *if lawfully I may*, otherwise the oath will be *vinculum iniquitatis*, [a bond of iniquity,] and make us debtors to hell," etc.

Durham on the Third Command, "There is also to be observed these tacite or exprest conditions in all promissory oaths, (and sometimes it is fit to exprest them, and sometimes not,) (1.) *If God will*, and if nothing interveen to hinder it, James iv. 15. (2.) *If I live*, and health permit.— (3.) So far as the fulfilling of this shall be lawful; for it can only tie to lawful things, and lawful means and courses," etc.

if either the Covenants were looked on as an oath of *allegiance* to the sovereign, or were taken instead of any other oath of *allegiance* in reforming periods, but only that our Covenants did contain in them a clause of *allegiance* to the sovereign; and that the covenanters, who, in these periods, did swear and adhere to these Covenants, were very loyal in their principles, however maliciously their enemies did traduce and malign them as a set of rebellious and disloyal persons.

But, that beside the clause of *allegiance* in our Covenants, (which our covenanters put in, because this is a religious duty, which we are bound to by the Fifth Command,) there was an oath of *allegiance* imposed on the subjects in covenanting times, is clear from uncontestable evidences †.

† *Answers, by Dickson and Henderson, to the Replies of the doctors of Aberdeen, Anno, 1638. p. 57.* " We all, by our
" oath of allegiance, and other obligations, acknowledge,
" that we owe many other duties to the king, which were
" very impertinent to mention in this [*viz.* National] Co-
" venant." *Supplication of the General Assembly, to his Majesty's high Commissioner, and the Lords of secret Council, Anno 1639.* " We have solemnly sworn, and do swear, not only
" our mutual concurrence and assistance for the cause of re-
" ligion, and to the uttermost of our power, with our means
" and lives, to stand to the defence of our dread sovereign,
" his person and authority, in preservation and defence of
" the true religion, liberties, and laws of this kirk and king-
" dom; but also, in every cause which may concern his ma-
" jesty's honour, shall, according to the laws of this king-
" dom, and the duties of good subjects, concur with our
" friends and followers in quiet manner, or in arms, as we
" shall be required of his majesty, his council, or any hav-
" ing his authority."

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Again, The Synod do observe, that it is a *mistake* to say, that the foresaid oath of *allegiance*, (appointed by the Revolution parliament to be sworn) was imposed *instead* of our Solemn Covenants, and that it *plainly excludes* the oath of our Covenants; and that the terms, in which the act of parliament, *Anno* 1689, impose it, appear plainly to *exclude* the oath of our Covenants: for, the states of the nation being called to meet by his highness the prince of Orange, and then king of England, (whom God was pleased to make the glorious instrument of delivering these nations from Popery and arbitrary power) in order to make such an establishment, as that our religion, laws, and liberties might not again be in danger of being subverted, (as they declare themselves in the Claim of Right, April 11th, 1689;) and having entire confidence, that his said majesty, the king of England, would perfect the deliverance so far advanced by him, and would still preserve them from the violation of their rights, which they had therein asserted, and from all other attempts upon their religion, laws, and liberties, they “do pray the said king and queen of
“ England, to accept of the crown and royal dignity of the kingdom,” namely, upon the footing of the Claim of Right, and their swearing the antient coronation oath; and then it follows,
“ And that the oath, hereafter mentioned, be
“ taken by all protestants, of whom the oath
“ of *allegiance*, and any other oaths or declarations might be required by law, instead of
“ them; and that the said oath of *allegiance*, and
“ other oaths and declarations, may be abrogated.”—Accordingly the *estates* of parliament

appoint, on April 25th, *three* of their number, to attend king William and queen Mary, with the offer of the Crown; the Coronation Oath which they were appointed to see sworn; the Declaration of the estates, or Claim of Right, which they were to read, or see read unto them; and to present the Grievances the estates wanted redressed, with an Address to turn the meeting into a parliament. Mean while the king and queen are proclaimed in Scotland; and on June 5th the estates are declared to be a free parliament; and on the 17th of June, they pass the act *recognizing their majesties royal authority**, and appointing the oath of *allegiance* to be taken; which is the 2d act of sess. 1st, par. 1st, *Anno* 1689†.

But that neither the estates in their *Claim of Right*, nor the parliament, in their foresaid second act of their first session, did impose the foresaid *oath of allegiance* in the *room* and *stead* of our *Covenants*, so as plainly to *exclude* them, and

* See Appendix, N^o I.

† In the *Acknowledgement of Sins*, this is said to be imposed in the year 1690: But there is nothing of great consequence in that; seeing in that year the parliament, by their 4th act, appoint electors of commissioners to parliament; and, by their 7th act, ordain all commissioners of supply, and their collectors and clerks to take it.— And by their 14th act, empower the privy council to put it to all suspected persons: But still it is certain fact, that it was in the year 1689 that it was first imposed by *authority of parliament*.

N. B. What is a further confirmation of this point, is, that the parliament, *Anno* 1690, by the foresaid 4th act, give this as the only reason for imposing it, *viz.* "That it is the duty of all the subjects to take the oath of Allegiance, if called thereto."

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the *Covenant allegiance* in them, seems evident from these considerations.

(1.) That our Covenants never were in law called an oath, or oaths of allegiance, supremacy, declarations, or tests; and consequently cannot here be intended: for it is only the *preceeding* laws and acts of parliament, imposing oaths of allegiance, supremacy, declarations, and tests, that the parliament, in their foresaid act, do retract and rescind.

(2.) Both the estates, in their Claim of Right, and the foresaid parliament, did drive one common design, namely, to vindicate and assert the nation's religion, rights, and liberties, in opposition to the incroachments made thereon, from the Restoration of king Charles, till that time; and particularly, by the unjust laws and acts of parliament, imposing the wicked oaths of *supremacy* or *allegiance*, the *declaration*, *additional declaration*, and *test*; and cannot, therefore, in the least, intend our Covenants, or the laws imposing them, there not being the smallest hint in all their acts, which, in the remotest manner, condemns our covenants.

(3.) Neither in April 11th, 1689, (the date of the Claim of Right,) nor in June 17th, 1689, (the date of the foresaid act of parliament) was there any law or act of a preceeding parliament in being, requiring our Covenants to be taken, or imposing them upon the subjects; all such laws, formally made for that purpose, being rescinded, called, and annulled by the parliaments, in the year 1661, 1662, *etc.*; nor were any of them at that time revived, ratified, and confirmed, but lay buried under the acts of these parlia-

ments, which had put these oaths, formerly mentioned, in their room, and were still in force by law at that time, till then generally rescinded, and the most of them rescinded particularly, by the 5th, 27th, and 28th acts of the second session of the Revolution parliament the following year. — And as our Covenants could not, at the time, when the Claim of Right was made, and the foresaid act anent the Allegiance, be *required by law*, consequently not they, but the unlawful oaths of former times, were abrogated; and the laws imposing them, retreated and rescinded, and this oath put in their room, which was a happy turn for the subjects of this nation.

(4.) The very *order* of the words, both in the Claim of Right, and act of parliament, clears this point: for the estates, in the Claim of Right, propose, “ That the present oath of allegiance “ may be taken by all protestants, of whom the “ oath of allegiance, and any other oaths and “ declarations, might be required by law, instead of them, and that the said oath of allegiance, and other oaths and declarations may “ be abrogated.” Now, that oath of allegiance, instead of which this is put, and which is proposed to be abrogated, was the *first* of the said oaths imposed in the former reigns, *June 1661*; and the other oaths and declarations were imposed during the remaining parliaments of Charles II. and James VII's government, which, in the Claim of Right, are generally express; but in the said second act of the first session of the Revolution parliament more particularly, and in the same order, thus, “ And do hereby retreat and “ rescind all preceding laws and acts of parlia-

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“ment, in so far as they impose any other oaths
“of allegiance, supremacy, declarations, and
“tests, except the oath *de fidei*.” Now, first
was imposed the oath of *allegiance* or *supremacy*,
Anno 1661; then the *declaration*, Anno 1662;
next, the *additional declaration*, Anno 1663;
and then the *test*, Anno 1681. And in the same
order are they mentioned in the act rescinding
them, and Claim of Right.

(5.) The Revolution parliament, in their 27th
act, sess. 2d, do rescind and make void the 5th
act of the 1st par. sess. 2d, Charles II. intitled,
*Act concerning the declaration, to be signed by all
persons in public trust*; and likewise, act 3d. par.
1st, sess. 3d, Charles II. intitled, *Additional act
concerning the declaration*, etc.; which declara-
tion, as has been noticed, declares, “That the
“National Covenant (as explained and sworn,
“Anno 1638,) and the Solemn League and Co-
“venant, were, and are in themselves, unlaw-
“ful oaths; and were taken by, and imposed
“on the subjects of this kingdom, against the
“fundamental laws and liberties of the same;
“and that there lyeth no obligation on any of
“the subjects of the kingdom, by the said oaths,
“or either of them, to endeavour any alterati-
“on or change of the government, either in
“church or state, as then established by law.”
And by their 5th and 28th acts, of the said 2d
session of the Revolution parliament, they rescind
the acts of Charles II. and James VII. imposing
the *test*, which had a clause therein to the same
purpose, with the above declaration; and conse-
quently the said parliament, in these foresaid acts,
did, at least, *materially* acknowledge, that the

National Covenant, as explained and sworn, *An.* 1638, to abjure *Prelacy*, and the *five articles of Perth*, and the Solemn League and Covenant, were, and are in themselves, *lawful oaths*; that they were not imposed on the subjects of this kingdom, contrary to the fundamental laws of the same; and that there did ly an obligation on the subjects, by the same Covenants, to endeavour an alteration and change of the government, both in church and state, as established in the persecuting reigns: which further appears evident, from the 18th act, sess. 2d, of the Revolution parliament, intituled, *Act rescinding the forfeitures and fines past since the year 1665*, which “re-
“scinds and reduces the fines and forfeitures past
“against the persons therein named, or any o-
“thers since that year, to the year 1688, for
“church-irregularities, or non-conformities, or
“refusing of public bonds, subscriptions, and
“oaths; or for not obeying acts, proclamati-
“ons, or orders thereanent; resetting of, or con-
“versing with rebels for the causes foresaid; re-
“fusing to depone on lybels against themselves,
“in capital cases, *etc.*; rehabilitating, reintegrat-
“ing, and restoring such of the said persons as
“were then alive, and the memory of them who
“were deceased, to their goods, fame, and
“worldly honours.” Moreover, the foresaid parliament, in their 5th and 28th acts, sess. 2d, do rescind and make void, in all time coming, act 6th, par. 3d, Charles II. intituled, *Act anent religion and the test*; and by the said 28th act they do likewise rescind and make void, act 13th, par. 1st, James VII. intituled, *Act for taking the test*; both pretending to dispense with the obliga-

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tion of our Covenants.—— And to give no more instances, they did, in like manner, by the said 28th act, rescind and make void the 5th act, par. 1st, James VII. intituled, *Act declaring it treason, to take or own the Covenants*. Can it then be reasonably supposed, that a parliament doing all this, with reference to our Covenants, should impose an oath, or make an act a few months before, plainly excluding our Covenants?

(6.) It is well known, that not a few of the members of the convention of estates were men of *piety* and *virtue* †, and well affected to the Covenants; and would not therefore agree to an act excluding our Covenants ‡.

† *Crookshank's History*, p. 446. (taken from the *Memoirs of N. Britain*. p. 18.) “ It is well known, that the members of it [the convention of estates] were of the best families and fortunes in the kingdom, and generally of great piety and virtue, as could be reasonably expected after such a debauched period.—— And, I add, many of them were forfeited themselves for their non-compliance with the courses of the times, as the earl of Melvil, Sir Patrick Hume of Polwart,” &c.

‡ Mr. *Shields*, (who, with the rest of the witnessing party, renewed the National Covenant, March 3d, 1689, at Lefmahego; where they solemnly swore to stand to the defence of his highness the prince of Orange, his person and authority, when lawfully chosen and established,) may be supposed to know the sense of such a declaration of the estates, and act of parliament, better than people who live at this distance of time, especially as he was concerned in a petition to the prince of Orange, that the foresaid wicked oaths might be abrogated; and in a petition to the estates (wherein the petitioners declare their adherence to the ancient covenanted establishment of religion and liberty,) that

From all which, the Synod cannot but say, with the *Commission* of the General Assembly, in their *Seasonable Admonition*, Anno 1698, p. 22. "We are confident, the Covenant was not in the mind of those that made that act," [*viz.* the act imposing the oath of *allegiance*, Anno 1689,] "when they made it; nor can the words bear any such sense, but that this oath [of *allegiance*] should be *instead* of other oaths of allegiance and supremacy, or others which were imposed under the late government, which should commend it." Wherefore the Synod did, and hereby do appoint, that this, and all the other clauses formerly mentioned, on this head, be expunged.

THE NINTH PASSAGE, the Synod take notice of, stands in *Answers to Mr. Nairn*, p. 51. thus, "The *body politic*, particularly in *Scotland*, have never, [at or since the Revolution,] by their deed of civil constitution, provided that their magistrates be brought under, and admitted

the prince of Orange might be chosen and proclaimed king of Scotland: he, in his *Treatise on Church Communion*, p. 102. last edition, says, "It is vain to imagine, that this [*viz.* oath of Allegiance] being appointed instead of all other oaths, and abrogating all other, seems to infer a burying or laying aside our Covenants. We are confident no such thing was in the mind or design of the enactors; nor can the words bear any such sense, but only that this was appointed *instead* of all other oaths of Allegiance or Supremacy, or others imposed by the late government, which may rather commend, than afford any matter of stumbling at it."

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“ upon obligations and terms, such as were fixed upon, and established in reforming periods, (particularly in the coronation oath, *Annis* 1567, and 1649;) but such as are, in many respects, not only *different* from, but *destructive* of the same, unto the great prejudice of real religion, and reformation in the house of God. They have never endeavoured to inform their magistrates of their sin and duty in this matter.”

This the Synod do acknowledge to be a *mistake*: for the estates of parliament, in their *Claim of Right*, of the date, April 11th, 1689, do say, “ Whereas king James the Seventh, being a profest papist, did assume the regal power, and acted as king, without ever taking the oath required by law, whereby the king, at his access to the government, is obliged to swear to maintain the protestant religion, and to rule the people according to the laudable laws, *etc.* — Therefore, the estates find, — that — he hath forfaulted the right to the crown; and that the throne is become vacant. — And they do, — for vindicating and asserting their antient rights and privileges, declare, that by the law of this kingdom, no papist can be king or queen of this realm, nor bear any office whatsoever therein; nor can any protestant succeed for exercise the regal power, until he, or she, swear the coronation oath.” Accordingly the estates of parliament, by their foresaid *Claim of Right*, had settled the government on the *prince* and *princess* of Orange, then king and queen of England: and, by their 14th act, ordered them to be proclaimed king and queen of Scotland.

By their 15th act, they declare, that "Foras-
" much as the estates of this kingdom, by their
" former act, declared, that they would conti-
" nue undissolved, until the government, laws,
" and liberties of the kingdom should be settled
" and secured.—And considering, that the nati-
" on cannot be without government, until the
" said king and queen of England accept the of-
" fer of the crown, according to the instrument
" of government, and take the oath required,
" before they enter to the exercise of the regal
" power, therefore, the said estates do declare
" and enact, that they will continue in the go-
" vernment, as formerly, until their majesties
" acceptance of the crown, and taking of the
" said oath, be made known to them." By their
21st act, April 18th. 1689, they set down the
coronation oath, word for word, as it was ap-
pointed to be taken, by the 8th act, par. 1st,
James VI. Anno 1567, intitled, *Anent the king's
oath to be given at his coronation.* In their 28th
act, intitled, *A letter, directed from the estates,
to the king's majesty, with the offer of the crown;*
whereof the tenor follows:

April 24th, 1689.

May it please your Majesty,

" THE settling of the monarchy, and antient
" government of this kingdom, admitting no
" delay, we did, upon the eleventh instant, pro-
" claim your majesty, and your royal consort,
" king and queen of Scotland, with so much
" unanimity, that of the whole house, there
" was not one contrary vote. We have nomi-
" nate the earl of Argyle, Sir James Montgome-

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“ry of Skermorie, and Sir John Dalrymple, in
 “our name, to attend your majesty, with the
 “cheerful offer of the crown, and humbly to
 “present the Petition, or Claim of Right, of
 “the subjects of this kingdom: and also to re-
 “present some things found grievous to this na-
 “tion, which we humbly intreat your majesty
 “to remeid, by wholesome laws, in your first
 “parliament. And in testimony of your ma-
 “jesty and the queen’s acceptance, we be-
 “seech your majesties, in presence of these sent
 “by us, to swear and sign the oath herewith
 “presented, which our law hath appointed to
 “be taken, by our kings and queens, at the
 “entry to their government.”

By their 28th act, the said day, they nomi-
 nate these mentioned in the letter, “to repair to
 “London, and to deliver to the king’s majesty
 “their letter, and to present to the king and
 “queen, the Declaration of the estates, [or Claim
 “of Right,] and to take their oath.” By their
 30th act, April 25th, intituled, *Instructions by the
 estates of Scotland, to the earl of Argyll, etc.*
 Among other instructions which are laid on them,
 it is said, “— You are to repair to London with
 “all diligence; and so soon as you come there,
 “— you are to offer the oath to the king and
 “queen, upon their acceptance of the crown;
 “and to see that the same be sworn and signed
 “by them. After the king and queen have taken
 “the oath, you are to return as soon as possible.”
 By their 38th act, intituled, *A letter from his ma-
 jesty to the estates*, declaring he had accepted the
 crown, and taken the oath. Whereof the tenor
 follows:

WILLIAM R.

May 24th, 1689.

My Lords and Gentlemen,

“ THE commissioners sent by you, have presented your letter to us, with your Petition, or Claim of Right, the Grievances, and your Address for turning you into a parliament; which were all read in our presence: after which, the queen and we did take and sign the oath, tendered to us by your said commissioners, which, by God’s assistance, we will religiously observe.”

Accordingly, in the 2d act, sess. 1st, par. 1st, William and Mary, intituled, *Act recognizing their majesties royal authority*, dated June 17th, 1689, The parliament considering, “ That the king and queen’s majesties had, according to the Claim of Right, sworn the oath appointed by law to be taken by all kings and queens

* *Tindal’s Continuation of Rapin*, vol. xvi. p. 188. “ The commissioners, by authority of the estates, represented to their majesties, that the clause of the oath, in relation to the rooting out of heretics, did not import, the destroying of heretics; and that, by the law of Scotland, no man was to be persecuted for his private opinion; and even obstinate and convicted heretics, were only to be denounced rebels, or outlawed, whereby their moveable estates are confiscated. — Hence his majesty, at repeating that clause of the oath, did declare, that he did not mean, by these words, that he was under any obligation to become a persecutor; to which the commissioners made answer, that neither the meaning of the oath, nor the law of Scotland did import it. Then the king replied, that he took the oath in that sense, and called the commissioners, there present, to be witnesses of his so doing.”

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“ of this realm, before they exerce their regal
 “ power: therefore, they do assert, recognosce,
 “ and acknowlege their majesties royal power and
 “ authority over the said kingdom, and their un-
 “ doubted right and title to the imperial crown
 “ thereof.—” And appoint the oath of *allegi-*
ance to be sworn, as has been formerly related.—
 Thus the estates of parliament, at the Revoluti-
 on, did, in some measure, inform their *magi-*
strates of their sin and duty; and the *body po-*
litic did take care, that their magistrates should
 be brought under, and admitted, upon *obligations*
 and *terms*, such as were fixed, *Anno 1567* *. And
 therefore, according to the Associate Presbytery †,
 the *deed* of civil constitution, at the Revolution,
 was set upon a reforming footing.

* Although the Associate Presbytery, in their foresaid *An-*
swers to Mr. Nairn, do assert, p. 48. that “ the deed of
 “ civil constitution was farther reformed, than ever before,
 “ by the 15th act of the second session of parliament, *Anno*
 “ 1649;” yet, p. 49. they say, “ that the Presbytery in-
 “ tend not to affirm, that there was nothing defective in the
 “ above managements, or that no imprudencies or mistakes
 “ were to be found therein.”

† *Answers to Mr. Nairn*, p. 46. “ The true religion,
 “ purged from the erroneous, idolatrous, and superstitious
 “ abominations of Popery, was, by the blessing of God,
 “ embraced and professed by all ranks; who were also en-
 “ gaged in a general and progressive course of reformation
 “ foresaid. Agreeably unto all this, the *deed* of civil con-
 “ stitution was set on a reformed footing, by act 8th, par.
 “ 1st, James VI. while therein — it is statute and ordained,
 “ — that all kings and princes, quhilk hereafter, in any time,
 “ shall happen to reign and bear rule, over this realm—shall—
 “ at the time of their coronation,—make their faithful pro-

THE TENTH PASSAGE is in *Answers to Mr. Nairn*, p. 49. in the following words, "It is observable, that the reformation in the church, hath always, in a beautiful order, preceeded and introduced the reformation of the state."

The Synod declare, that this is only to be understood in this sense, that the foresaid *civil deed*, Anno 1567, did follow upon the reformation of the church, which preceeded that time, and that the *additional terms*, which the parliament, 1649, obliged king Charles II. to come under, by their foresaid 15th act of their second session, did follow upon, and were introduced, in consequence of the appearance which the church made for our doctrine, worship, government, and discipline, at, and from the year 1638, till that year: but it is by no means to be understood, as if the church, in her ecclesiastical and judicative capacity, had always enacted the different branches of our reformation, before the state had given their civil sanction thereto. For, the estates of parliament, Anno 1560, did authorize the *first large Confession of Faith*, August 17th that year; and yet the first general assembly, did not sit down till the 28th of December thereafter*; and

"mise, be aith, in the presence of the eternal God, that
"induring the haill course of their lives, they shall serve
"the samin eternal God,—maintain the trew religion of Je-
"sus Christ,—and shall rule the people committed to their
"charge, according to the will and command of God,—
"and the loveable laws and constitutions, received in this
"realm, no wise repugnant to the said word of the eternal
"God," etc. as in the place quoted.

* *Calderwood's History*, p. 29.

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the *National Covenant*, commonly called, at that time, the *King's Confession* *, was subscribed by the king and his household, Jan. 28th, 1581, according to the new stile; and ordered, by a proclamation, to be subscribed by the subjects †, but the general assembly did not meet, till after the 20th of April said year, that being the date of the instructions, directed, with the advice of the lords of secret council, to the assembly, from the king, by the laird of Capringtoun: accordingly, in sess. 6th, the assembly say, "Anent the Confession of faith, lately set forth, by the king's majesty's proclamation, and subscribed by his highness, the assembly, in one voice, acknowledge the said Confession to be a true, Christian, and faithful Confession, to be agreed unto, by such as truly profess Christ, and his true religion, and the tenor thereof to be followed out easfaldly, as the samine is laid out in the proclamation ‡:" so that this Confession, or oath, was by no means a deed of the church §.

* *Calderwood's History*, p. 96.

† *Ibidem*, p. 97.

‡ *Ibidem*, p. 102.

§ *Defections of the Church of Scotland, from her Reformation Principles, considered*, p. 33. "—Which National oath was by no means the deed of our church, but proceeded directly from James VI. and his council; however, it had our church's approbation, by their act of assembly, 1581, and was thereafter sworn by all ranks in the nation; and was again, in the year 1590, together with a general bond for maintenance of the true religion, of new subscribed and sworn to, by persons of all ranks, by another ordinance of council; and again renewed and sworn to, in the year 1638 and 1639. Now, we still consider this

THE ELEVENTH PASSAGE, which the Synod take notice of, is in *Answers to Mr. Nairn*, p. 14, thus, "As to the clause in the Solemn League, which binds *mutually to preserve the rights and privileges of the parliaments*, common sense tells, that this clause can bind only in so far as providence gives *occasion* for it. A parliament in Scotland we have not: and, as to the British parliament, which is a part of the present legislative power, the presbytery contend not, that the Covenant lays them under any obligation with reference thereto, or that they have any concern therewith, but what is expressed in the principle which they hold in opposition to Mr. Nairn, *viz.* that we should acknowledge the present civil authority over these nations, and subjection thereto in lawful commands."

This the Synod do acknowledge to be a *mistake*, for not only is this whole land obliged, by the *Solemn League*, to endeavour the reformation of England and Ireland, in doctrine, worship, discipline and government, according to the word

"National Covenant, as a *civil ratification* of the doctrine and discipline of our church, for that it proceeded thus directly from the state. — This bond was intended, as the strongest civil security, of both church and state, against the common enemy. — This oath was plainly a *civil oath*, as it was imposed and exacted by civil authority." And moreover, in the year 1638, the renewing of the Covenant did not at all proceed *first* from the church, but from the table of the nobles, who called two ministers, *viz.* Mr. Henderson and Mr. Dickson to their assistance. *Bailey's Collect.* vol. 1. p. 156. *Historia Motuum*, p. 43.

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of God, and the example of the best reformed churches; and every one, in their several places and callings, to endeavour the extirpation of Prelacy; and consequently to endeavour, in the same manner, that the twenty-six bishops, (which, by the present constitution, are constituent members and legislators in the British parliament,) might be no longer allowed votes in parliament, according to the former laudable laws of both kingdoms †; but likewise, by our said Covenants, upon the supposition, (which, we hope, shall never be,) that the prince attempt to infringe the liberties and privileges of parliament, as king Charles I. endeavoured to do with the English parliament, *Anno* 1640, and following years; and, for this end, began and carried on a civil war: or any of the subjects, at the head of

† James VI. par. 8th. act 133d. intituled, *That ministers shall not be judges, nor exerce any uther ordinar office, that may abstract them frae their office,* “ Statutes and ordains,—that
 “ none of them [ministers] presently being in that function,
 “ or that shall be admitted thereto, in time cuming, fall in
 “ any waies accept, use, or administrat any place of judica-
 “ ture in quhatsoever civil or criminal causes,” etc. —
 Act 4th, par. 2d, Charles I. 1640, intituled, *Act anent the ratification of the acts of the assembly.*— And act 6th, par. 2d, Charles I. said year, intituled, *Act Rescissory*, where the parliament say, “ Considering that the office of bishops and
 “ archbishops, and all other prelates, the civil places and
 “ power of kirkmen, as, their voicing and riding in parlia-
 “ ment, are condemned by the general assemblies of this kirk,
 “ — they do rescind and annul all and whatsover acts of
 “ parliament, laws, and constitutions, in so far as they are
 “ conceived—in favours of civil places and power of kirk-
 “ men of whatsover sort,— allowed or disallowed, for their

a numerous army, as Cromwell did, modelling the parliament as he pleased, and secluding such members as he thought fit; in either of which cases, the Synod acknowledge, that both themselves, and all the subjects of this nation, are under obligations to endeavour, in their several vocations, with their estates and lives, to preserve the rights and privileges of parliament, (still disapproving of bishops sitting therein;) and the rather so, that the words of the Solemn League are *general*, and have a reference to the parliament of England, as well as that of Scotland; for therein we swear, "That we shall endeavour,—
" mutually, to preserve the rights and privileges
" of the parliament." By which article our ancestors thought themselves obliged to give their assistance to the parliament of England, in opposing the popish and prelatical party, then in arms under king Charles I.

" riding, sitting, and voicing in parliament," etc. — And by the 28th act of the English parliament, May 2d, 1641, it is enacted, "That no archbishop, or bishop, or other person that now is, or hereafter that shall be in holy orders, shall, at any time, after the 15th day of February, in the year 1641, have any state or place, suffrage or voice, or use or execute any power or authority in the parliament of this realm." — And the *Commission*, in their *Address against the Union*, 1707, "Testify against subjecting this nation to a British parliament, in which twenty-six prelates would be constituent members and legislators; for it is contrary to our known principles and Covenants, that any churchmen should bear civil offices, or have power in the commonwealth."

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A TWELFTH PASSAGE is in *Answers to Mr. Nairn*, p. 46. thus, "It is soon enough to avouch one's principles and duty anent a magistrate, when once that magistrate has a being in the world; no-body can have God's call to do so sooner, for God never calls to any duty, till he give *occasion* for the *discharge* of it; that is, till it be an *actual duty*."

The Synod do acknowledge, that as the people who propagate the *anti-government* scheme of principles, do profess to swear to a *covenanted* king, which may *possibly be* over these nations, and who may *probably never be*; so, the above passage was intended against such conduct, as very absurd and unreasonable; in regard, that it seems to be a taking the name of the Lord in vain, to swear to do a duty, for the performance whereof, we have no probability, that we shall ever have any occasion: but it never was, and is not intended thereby, either to condemn those, who, on the 3d of March 1689, did, at Lesmahago, renew the National Covenant, wherein they solemnly swore to the defence of his highness the prince of Orange, his person and authority, when lawfully chosen, and established as king, or supreme magistrate*, which, in their petition to the estates of parliament, they earnestly desired might be done†: nor yet to condemn promissory oaths and obligations, concerning future things, the matter and form whereof are otherwise lawful; nor even to condemn a swearing to

* *Crookshank's History*, vol. II. p. 446.

† *Ibidem*, vol. II. p. 448, 449.

alleged to be in the Act and Testimony, etc. 65

successors in office, ruling according to law, in this legal limited monarchy.

THE THIRTEENTH PASSAGE, which the Synod shall notice, stands in *Answers to Mr. Nairn*, p. 13, 14. thus, " If Mr. Nairn means, that the
" Presbytery cannot renew the covenant-oath of
" *allegiance* to the government, this is what they
" grant, because it is not competent for them to
" impose oaths in civil matters; though, if the
" civil government, in a way of supporting
" reformation, were again imposing the same
" *allegiance*, they would have abundance of freedom to take it."

This passage the Synod acknowledge to be inadvertent: For, as an *allegiance* to the supreme magistrate is a religious duty, which subjects are bound to by the *Fifth Command*, it is very competent to a church judicatory to enjoin the same, by their ecclesiastic authority, upon people, as church members. Besides, this will condemn the practice of our worthy ancestors, who, in the year 1638, did renew the National Covenant with the *allegiance-clause* in it, when yet they had not the countenance of the civil magistrate.

For the same reason, the Synod do acknowledge it to be a *mistake* to assert, as in the Act of the Associate Presbytery, Feb. 3d, 1743, (insert, *Acts of the Associate Presbytery concerning the Doctrine of Grace*, etc. p. 82. *Answers to Mr. Nairn*, p. 95.) That " the Presbytery are of opinion,
" that, in regard they had formerly agreed, that
" it was not suitable to their present circumstances, to blend civil and ecclesiastic matters in
" the oath of God, in renewing the Covenants;

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“ because that the cognizance of civil affairs be-
 “ long not properly to them as a church judica-
 “ tory; and some members being of the mind,
 “ that the *reduplication* of the oath upon that
 “ clause of the confession of sins, which was the
 “ occasion of the dissent, would, upon the mat-
 “ ter amount to the foresaid blending; that there-
 “ fore the said clause should be left out.” For, as the
 Presbytery assert, *Answers to Mr. Nairn*, p. 14.
 That “ if Mr. Nairn means, that the principle
 “ which the Presbytery now maintains anent
 “ subjection to the present civil authority in law-
 “ ful commands, is any way inconsistent with
 “ our *Covenant-allegiance*; this is what the Pres-
 “ bytery altogether refuses:” So, in the said *An-*
swers, they charge “ the impugning the present
 “ civil authority over these nations, and subjecti-
 “ on thereto in lawful commands,— as an opi-
 “ nion and practice, contrary to the plain tenor
 “ of scripture, and to the known principles of
 “ this church, in her Confession of Faith and Co-
 “ venants, and of all other reformed churches.”

If then our Covenants condemn the principles
 of such as deny the present civil authority, and
 subjection thereto in lawful commands, particu-
 larly in the clause of *allegiance* in them; and if
 the said clause of *allegiance* be every way agree-
 able to the principles of the Associate Presbytery
 and Synod, concerning the civil government;
 and if *allegiance* to the civil government be the du-
 ty of subjects, by the Fifth Commandment; then
 the swearing of the clause of *allegiance* in our Co-
 venants, which is a religious duty, cannot be
 condemned as a *blending* of civil and ecclesiastic
matters, in the oath of God. Besides, though

alleged to be in the Act and Testimony, etc. 67

the cognizance of civil affairs does not belong to us, as a church judicatory, yet this can be no reason why a clause of allegiance ought not to be in our Bond; because allegiance to the sovereign is a religious duty, enjoined in the *Fifth Command*, as well as other relative duties; and must, in the nature of things, be generally included in that clause of the *Bond*, whereby we swear "to be good examples to one another of
"godliness and righteousness, and of every duty we owe to God and man." However, this matter has been formerly determined by this nation, as oft as our Covenants have been sworn, there having been always in them a clause of *allegiance* to the prince.

THE FOURTEENTH PASSAGE is in *Answers to Mr. Nairn*, p. 52. thus, "By the act 1592, according to which presbytery was settled at the
"Revolution, the assembly is *deprived of power*,
"where the king or his commissioner are *present*, to *nominate and appoint time and place*
"for their next meeting."

This the Synod acknowledge to be a *mistake*; as will appear from the *Answers* of the *fourteen* ministers, to the libel and summons exhibited against them by the lords of the secret council, for alleged sedition and contempt, because they had met in an assembly at Aberdeen, July 2d, 1605, contrary, as was alleged, to the act of parliament 1592; wherein there was a special provision made, that the king, or his commissioner, should be present at each general assembly; and, being present in the town, or place, where the same held, should, before the dissolving thereof, no-

minate and appoint time and place, when and where the next assembly should be holden. From whence it is concluded, that the foresaid ministers having met and proceeded, not only without his majesty, or his commissioner's consent, but contrary to his expresse command and will, their meeting was therefore contemptuous and seditious, and ought to be discerned and declared to be unlawful. The *Answer* of these ministers is as follows *. " Concerning the proposition,

" builded upon the act of parliament, it shall be
 " found of no force, in respect neither expressly,
 " nor by relation, shall it be found in the act of
 " parliament alleged, (1.) Because the act is no
 " instituting law of assemblies, but a simple ap-
 " probation of them, as they are appointed by
 " the kirk. (2.) Because the said approbation
 " declareth, that it shall be lawful to the kirk
 " and ministers, every year once, and oftener
 " as occasion shall require, to hold and keep ge-
 " neral assemblies. (3.) Because the provision
 " therein contained, imports no nullity of the
 " foresaid liberty, nor approbation thereof, but
 " rather the contrary; because it concerneth no
 " way the action of conveying or holding as-
 " semblies, but only the nomination of the cir-
 " cumstances of time and place of the next as-
 " sembly; and that not simply, but upon con-
 " dition of their presence, where the assembly is
 " holden; neither yet absolutely, although they
 " be present, but conjunctly with the assembly.
 " And, *lastly*, because the said provision, in the
 " last part thereof, expressly beareth, that it shall

* *Calderwood's History*, p. 503.

alleged to be in the Act and Testimony, etc. 69

“ be lawful for the kirk, by themselves, without
“ either his majesty or commissioner, in case of
“ their absence, to nominate time and place of
“ the next assembly.”

Mr. James Melvine, in his *Apology* †, says,
“ As for the act of parliament made in June,
“ 1592, it is true, that it provideth, that the
“ king, or his commissioners, with the ministers,
“ shall appoint time and place: but this provi-
“ sion is not privative, nor derogative from the
“ lawfulness of the meeting ratified by the act,
“ expressed by the words, OTHERWISE NOT, OR
“ such like, as lawyers use; so that, if the provi-
“ sion be not observed, the licence shall be null;
“ but only for the strengthening and furtherance
“ of the assembly, that his majesty, by himself,
“ or commissioner, shall concur; as the clause
“ added clearly sheweth, where it is said, *as they*
“ *have been in use to do in times by past.*”

Thus it evidently appears, that our ancestors did not look upon the king's power, in appointing time and place of the next assembly (expressed in the act of parliament, 1592,) to be *privative* of, or derogatory from the church's *intrinsic* power for assembling themselves, asserted in the *second book of Discipline*; but that the said power was *cumulative* only. Accordingly, at the renovation of the National Covenant, *Annis* 1638 and 1639, the said act of parliament, 1592, is *four* several times quoted; and particularly, it is cited as an *Act conceived for the maintenance of the true church of God, the liberty and freedom thereof, in her national and synodical assemblies,*

† *Calderwood's History*, p. 507.

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presbyteries, sessions, policy, discipline, and jurisdiction thereof, as that liberty of the church was used, professed, exercised, preached, and confessed, according to the reformation of religion within this realm. And in the act of assembly, Dec. 8th, 1638, declaring Episcopacy to have been abjured by the Confession of Faith, 1580, it is asserted, that by that act, June 5th, 1592, "the liberty, discipline, and jurisdiction of the true kirk, in her sessions, presbyteries, synodal and general assemblies, is largely ratified, as the same was used, and exercised within this realm, and all the acts, contrary thereto, abrogated; the king's prerogative declared not to be pre-judicial to the same privileges, grounded on the word of God." In the *Act concerning yearly general assemblies*, Decem. 20th, 1638. "The assembly having considered—the liberty of this national kirk, as it is expressed in the book of policy, and acknowledged in the act of parliament, 1592, — find it necessary to declare, and hereby declares, that by divine, ecclesiastical, and civil warrands, this national kirk hath power and liberty to assemble and convene, in her yearly general assemblies, and oftner, *pro re nata*, as occasion and necessity shall require."

The foresaid act of parliament, 1592, was never complained of by our ancestors, as if it deprived the church of her intrinsic power to meet in assemblies when need should require; on the contrary, as this act was laboured for, and requested by the church, for many years*, so, when

* *Caldewood's History*, p. 266.

it was at length passed and enacted by the estates of the nation, and presented to the general assembly that met at Dundee, April 24th, 1593, it was well accepted by the said assembly †. And, indeed, there is no other power ascribed to the civil magistrate therein, with reference to the convening of assemblies, than is asserted in our *Confession of Faith*, chap. xxxi. §. 2, 3.; and in act of assembly, Aug. 27th, 1647, approving the said Confession. For, “ in the act 1592, it was found, “ that the king’s power of indissolving general as- “ semblies, and that by virtue of his prerogative “ royal, might consist with the native liberty of “ the church, to appoint the time and place of “ her necessary assemblies, in case of the king’s “ not using his prerogative by appointing them. “ And the act of the king’s prerogative was de- “ clared to contain no derogation to the liberties “ and privileges granted by God to his church; “ whereof the liberty of general assemblies is “ there acknowledged to be one †.

THE FIFTEENTH PASSAGE, which the Synod shall take notice of, stands in the *Act and Testimony*, p. 40. thus, “ Though the king’s commis- “ sioner dissolved the assembly, 1692, and their “ meetings were adjourned from time to time, “ by the king’s proclamation; till the year 1694, “ yet there is not any standing testimony against

† *Calderwood’s History*, p. 186.

† *Reasons for a General Assembly*, Anno 1638, as set forth in the *History of the Church and State of Scotland, from the Accession of K. Charles I.* etc. p. 395.

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“ such sinful encroachments upon the rights and liberties of Christ’s spiritual kingdom.”

The Synod declare, that this is not to be understood *absolutely*, as if there had been no manner of testimony *at all* against this encroachment; for, though indeed there was no such suitable testimony given by the assembly 1692, against the foresaid conduct, as the assembly 1638 gave against the like practice; yet there is *some sort* of testimony, standing upon record, against the dissolution of the assembly 1692, in as much as the *moderator* of that assembly, Mr. *William Crichton*, did, in the face of the *Commissioner*, declare and assert as follows: “ Having been
“ Moderator to this assembly, I, in their name,
“ they adhering to me, humbly crave leave to
“ declare, that the office-bearers in the house of
“ God, have a *spiritual intrinsic power* from Jesus Christ, the alone head of the church, to
“ meet in assembly, about the affairs thereof,
“ the necessity of the same being first represented
“ to the magistrate. And further I humbly crave,
“ that the dissolution of this assembly, without
“ indicting one to a new day, may not be to the
“ prejudice of our yearly general assemblies,
“ granted us by the laws of this kingdom.”
Whereupon the members rose all up, and, with one voice, declared their *adherence* to what the moderator had said.— Then the moderator, being pressed, by the general cry of the members, to name a diet for the next general assembly, said, if they pleased, the next general assembly might meet here, at Edinburgh, upon the *third* Wednesday of August, 1693 years: and the members did again, with one voice, declare their appro-

bation thereof. All which is recorded in the books of assembly †.

THE SIXTEENTH PASSAGE, which the Synod shall take notice of, stands in the *Act and Testimony*, p. 40. thus, "The assembly, 1690, did not assert the divine right of presbytery, and the intrinsic power of the church."

This the Synod do acknowledge is only to be understood in this sense, that the said assembly did not, by any particular and special act, assert these points, in opposition to the terms in which they had been impugned and denied in the former period; but not that they did not assert them in any respect: for that assembly, in their letter to king William, October 18th, do say, "We are persuaded, that it" [*viz.* the church government then settled by law,] "is not more agreeable to the conscientious persuasions and inclinations of all within this kingdom, who are best affected to your majesty's person and government, than it is acceptable to God," [which they could not assert it to be, unless they looked upon it as founded on his word,] "and will be your majesty's perpetual peace and satisfaction †." And by their seventh act, ap-

† Besides, the assembly 1703, in act 12th, doth declare, "That our Lord Jesus Christ hath instituted, in his house, a government and governors ecclesiastical, with power to meet for the order and government thereof."

The assembly 1704, approved several synod-books, which in wote *act* assertory of Christ's headship, the divine right of presbytery, and intrinsic power of the church.

‡ The divine right of presbytery has been expressly asserted since the Revolution, as is evident from the *Commission's*

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proving several overtures, they do materially assert the intrinsic power of the church ; for thereby they do appoint, " That all probationers licensed to
" preach, all intrants into the ministry, and all
" other ministers and elders received into com-
" munion with us, in church government, be ob-
" liged to subscribe their approbation of the Con-
" fession of Faith, approved by former general
" assemblies of this church, and ratified in the se-
" cond session of the [then] current parliament." In which Confession, and act of approbation by the general assembly, Anno 1647, the *intrinsic power* of the church is expressly asserted and explained *.

seasonable Admonition, 1698, p. 5. ratified by act 12th assembly 1699. " We do believe and own, that Jesus Christ
" is the only head and king of his church ; and that he
" hath instituted, in his church, officers, ordinances, order,
" and government ; and not left it to the will of man,
" magistrates or church, to alter it at their pleasure. And
" we believe this government is neither prelatical nor con-
" gregational, but presbyterian ; which, through the mer-
" cy of God, is established amongst us.—And believe, we
" have a better foundation for this our church government,
" than the inclinations of the people, or the laws of man.

Commission's seasonable Warning, August 19th, 1713, approved, act 9th, assembly 1714. " The constitution of this
" church is founded upon, and agreeable to the word of
" God."

* And that the assembly 1690, do materially assert the divine right of presbytery, and the intrinsic power of the church, will appear from their act, October 25th, *anent Mr. Thomas Linning and others*, wherein they do explain one of the papers of these brethren, as containing the " expres-
" sions of their purpose and promise, of being subject to

THE SEVENTEENTH PASSAGE is in *Act and Testimony*, p. 40. thus, "It was the laudable practice, in reforming times, to condemn all steps of defection."

The Synod declare, that this passage is to be understood thus, that, in reforming times, the church of Scotland did, *expresly* and *particularly*, condemn the most *notable* and *glaring* steps of defection of the preceeding periods; and that they did *materially* condemn other steps of defection in them, which were not so remarkable.

THE LAST PASSAGE, which the Synod shall notice, stands in the *Act and Testimony*, p. 40. thus, "It was the laudable practice in reforming times,—duly to censure such as were guilty of public backslidings."

The Synod declare, that this passage is not to be understood, as if the Associate Presbytery had intended, that every *individual*, who was involved in the guilt of defection and backsliding, was censured; for they do *expresly*, in the following words, restrict their assertion unto the *prelates*, who were ring-leaders in the apostacy†. And besides these, there were a considerable number of others, who had been active in the apostacy of the period preceeding 1638, censured; as the histories of the reformation period do testify‡.

"the authority of this church, as formerly constituted, and now restored in its several judicatories." And the said brethren, in their *Shorter Paper*, say, "That that assembly was a full and free general assembly of this church, invested with authority and power in *foro divino et humano*."

† *Wilson's Continuation*, p. 158.

‡ *Ibidem*.

These are the *mistakes* and *corrections* laid, by the *Committee*, before the *Synod*, which they appointed to be published: but if any other shall be offered, or even amendments upon what is above said, all due regard shall be paid thereto, before this OVERTURE be passed into an ACT.



T H E E N D.

The READER is desired to make the following AMENDMENTS.

- Page 8. line 6. for *In* read *in*. Page 13. line 4. dele *and*.
 — 14. — 9. from the foot, for *they*, read *ta*.
 — 24. — 11. for *and*, read *together with*.
 — — 11. from the foot, for *in the Acknowledgement of Sins*, read *therin*.
 — 34. — 9. from the foot, after *laws for conformity*, add, on the margin, *See Appendix, N° VI*.
 — 38. — 18. after *several acts of parliament*, add, on the margin, *See Appendix, N° VII*.
 — 48. — 5. from the foot, for *formally*, read *formerly*.
 — 50. — 17. after *notified*, add, above, p. 33, 34.

N. B. The Quotations from the *Act and Testimony* are cited according to the edition printed at Edinburgh, Anno 1737.

A P P E N D I X,

CONTAINING

Some ACTS of *Parliament*, referred to in the preceeding OVERTURE, by the *Numbers* here assigned unto each of them.

N^o I. Act 2d, par. 1st, sess. 1st, K. WILLIAM and Q. MARY, intituled, *Act recognizing their majesties royal authority*. June 17th, 1689.

“THE estates of parliament considering, that the king and queen’s majesties have accepted of the crown of this realm, tendered to them, by the meeting of the estates in their Claim of Right, dated the 11th of April last; and, according thereto, have sworn the oath, appointed by law to be taken by all kings and queens of this realm, before they exercise their regal power. Therefore the estates of parliament, for themselves, and in name and behalf of the whole subjects of this kingdom, represented by them, do hereby assert, recognize, and acknowledge their majesties royal power and authority over the said kingdom, and their undoubted right and title to the imperial crown thereof. Likeas, their majesties, with advice and consent of the said estates of parliament,—do statute and ordain, that the oath of Allegiance, hereunto subjoined, shall be sworn

and subscribed by all members and clerks of parliament, and by all other persons presently in public trust, civil or military, or who shall be hereafter called to any public trust within the kingdom: and do hereby retreat and rescind all preceeding laws and acts of parliament, in so far as they impose any other oaths of allegiance, supremacy, declarations, and tests, excepting the oath *de fidei*.

Follows the OATH of ALLEGIANCE.

I, A. B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to their majesties king William and queen Mary.

So help me God."

N^o II. Act 3d, par. 1st, sess. 1st, WILLIAM and MARY, intituled, *Act abolishing Prelacy*. July 22d, 1689.

“ WHEREAS the estates of this kingdom, in their Claim of Right, of the 11th of April last, declared, that Prelacy, and the superiority of any office in the church above presbyters, is, and hath been, a great and insupportable grievance to this nation, and contrary to the inclinations of the generality of the people, ever since the reformation, they having reformed from Popery by presbyters, and therefore ought to be abolished: our sovereign lord and lady, the king and queen’s majesties, with advice and consent of the estates of parliament, do hereby abolish Prelacy, and all superiority of any office in the church in this kingdom above presbyters; and hereby rescinds, casses, and annuls the 1st act of the 2d sess. of the

1st par. of K. Charles II. and the 2d act of the 3d sess. of the 1st par. of K. Charles II. and the 4th act of the 3d par. of K. Charles II. and all other acts, statutes, and constitutions, in so far alienary as they are inconsistent with this act, and do establish Prelacy, or the superiority of church officers above presbyters. And the king and queen's majesties do declare, that they, with advice and consent of the estates of this parliament, will settle, by law, that church government in this kingdom, which is most agreeable to the inclinations of the people."

N^o III. Act 1st, par. 1st, sess. 2d. WILLIAM and MARY, intituled, *Act rescinding the first act of the second parliament, 1669.* April 25. 1690.

"Our sovereign lord and lady, the king and queen's majesties, taking into their consideration, that by the second article of the grievances, presented to their majesties, by the estates of this kingdom, it is declared, that the first act of the second parliament of K. Charles II. intituled, *Act asserting his majesties supremacy over all persons, and in all causes ecclesiastical*, is inconsistent with the establishment of the church government now desired, and ought to be abrogate: Therefore their majesties, with the advice and consent of the estates of parliament, do hereby abrogate, rescind, and annul the foresaid act; and declares the same, in the whole heads, articles, and clauses thereof, to be of no force or effect, in all time coming."

N^o IV. Act 2d, par. 1st, sess. 2d, WILLIAM and MARY, intituled, *Act restoring the presbyterian ministers who were thrust from their churches, since the first day of January 1661, April 25th, 1690.*

“FORASMUCHAS, by an act of this present parliament, relative to, and in prosecution of the Claim of Right, Prelacy, and the superiority of church officers above presbyters, is abolished; and that many ministers of the presbyterian persuasion, since the first of January 1661, have been deprived of their churches, or banished for not conforming to Prelacy, and not complying with the courses of the times; therefore their majesties, with advice and consent of the estates of parliament, ordain and appoint, that all these presbyterian ministers, yet alive, who were thrust from their charges, since the first of January 1661, or banished for not conforming to Prelacy, and not complying with the courses of the time, have forthwith free access to their churches, that they may presently exercise the ministry in these parishes, without any new call thereto.——And to the effect, that these ministers may meet with no stop or hindrance in entering immediately to their charges, the present incumbents in such churches, not vacant, are hereby appointed, upon intimation hereof, to desist from their ministry in these parishes, and to remove themselves from the manes and gleibs thereunto belonging, betwixt and Whitlunday next to come, that the presbyterian ministers, for-

merly put out, may enter peaceably thereto: and appoints the privy-council to see this act put into execution.

N^o V. Act 5th, par. 1st, sess. 2d, WILLIAM and MARY, June 7th, 1690, intituled, *Act ratifying the Confession of Faith, and settling presbyterian church government.*

“OUR sovereign lord and lady, the king and queen’s majesties, and three estates of parliament, conceiving it to be their bound duty, after the great deliverance that God hath lately wrought for this church and kingdom, in the first place, to settle and secure therein, the true protestant religion, according to the truth of God’s word, as it hath of a long time been professed within this land: as also the government of Christ’s church within this nation, agreeable to the word of God, and most conducive to the advancement of true piety and godliness, and the establishing of peace and tranquillity within this realm: and that by an article of the Claim of Right, it is declared, that Prelacy, and the superiority of any office in the church above presbyters, is, and hath been a great and insupportable grievance and trouble to this nation, and contrary to the inclinations of the generality of the people, ever since the reformation, they having reformed from Popery by presbyters, and therefore ought to be abolished. Likeas, by an act of the last session of this parliament, Prelacy is abolished: therefore their majesties, with advice and consent of the said three estates, do hereby revive, ratify, and per-

petually confirm, all laws, statutes, and acts of parliament made against Popery and Papists, and for the maintenance and preservation of the true reformed protestant religion, and for the true church of Christ within this kingdom, in so far as they confirm the same, or are made in favours thereof. Likeas, they, by these presents, ratify and establish the *Confession of Faith*, now read in their presence, and voted and approved by them, as the public and avowed Confession of this church, containing the sum and substance of the doctrine of the reformed churches, (which Confession of Faith is subjoined to this present act.) As also they do establish, ratify, and confirm the presbyterian church government and discipline; that is to say, the government of the church by Kirk-sessions, presbyteries, provincial synods, and general assemblies, ratified and established by the 14th act, James VI. par. 12th, Anno 1592, intituled, *Ratification of the liberty of the true Kirk*, etc. and thereafter received, by the general consent of this nation, to be the only government of Christ's church within this kingdom; reviving, renewing, and confirming the foresaid act of parliament, in the whole heads thereof, except that part of it relating to Patronages, which is hereafter to be taken into consideration: and rescinding, annulling, and making void the acts of parliament following, viz. *Act anent restitution of bishops*, James VI. par. 18. cap. 2. *Act ratifying the acts of assembly 1610*, James VI. par. 21. cap. 1. *Act anent the election of archbishops and bishops*, James VI. par. 22. cap. 1. Act, intituled, *Ratification of the five articles of the general assembly at Perth*, James VI. par. 23.

cap. 1. Act, intitled, *For the restitution and re-
establisment of the antient government of the
church by arch-bishops and bishops*, Charles II.
par. 1. sess. 2. act 1. *Anent the constitution of
a national synod*, Charles II. par. 1. sess. 3. act 5.
*Act against such as refuse to depone against delin-
quents*, Charles II. par. 2. sess. 2. act 2. Act,
intituled, *Act acknowledging and asserting the right
of succession to the imperial crown of Scotland*,
Charles II. par. 3. act 2. Act, intituled, *Act a-
nent religion and the test*, Charles II. par. 3.
act 6.; with all other acts, laws, statutes, ordi-
nances, and proclamations; and that in so far
alienarly, as the said acts, and others generally
and particularly abovementioned, are contrary
or prejudicial to, inconsistent with, or derogato-
ry from, the protestant religion, and presbyteri-
an government now established: and allowing
and declaring, that the church government be
established in the hands of, and exercised by those
presbyterian ministers, who were exiled since the
first of January 1661, for non-conformity to
Prelacy, or not complying with the courses of
the times, and are now restored by the late act of
parliament, and such ministers and elders only,
as they have admitted or received, or shall here-
after admit or receive: and also, that all the said
presbyterian ministers have, and shall have right
to the maintenance, rights, and other privileges,
by law provided to the ministers of Christ's church
within this kingdom, as they are, or shall be le-
gally admitted to particular churches. Likeas,
in pursuance of the premises, their majesties do
hereby appoint the *first* meeting of the general
assembly of this church, as above established, to

be at *Edinburgh*, the *third Thursday* of *October* next to come, in this instant year 1690. And because many conform ministers, either have deserted, or were removed from preaching in their churches, preceeding the 13th day of April 1689; and others were deprived for not giving obedience to the act of the estates, made in the said 13th of April 1689, intituled, *Proclamation against the owning of the late king James, and appointing public prayers for king William and queen Mary*; therefore their majesties, with advice and consent foresaid, do hereby declare all the churches, either deserted, or from which the conform ministers were removed or deprived, as said is, to be *vacant*; and that the presbyterian ministers exercising their ministry within any of these parishes, (or where the last incumbent is dead) by the desire or consent of the parish, shall continue their possession, and have right to the benefices and stipends, according to their entry in the year 1689; and, in time coming, ay and while the church, as now established, take further course therewith. And to the effect the disorders that happened into this church may be redressed, their majesties, with advice and consent foresaid, do hereby allow the general meeting, and representatives of the foresaid presbyterian ministers and elders, in whose hands the exercise of the church government is established, either by themselves, or by such ministers and elders as shall be appointed and authorized visitors by them, according to the custom and practice of presbyterian government, throughout the whole kingdom, and several parts thereof, to try and purge out all insufficient, negligent, scandalous, and erroneous mini-

sters, by due course of ecclesiastical process and censures; and likewise for redressing all other church disorders. And further, it is hereby provided, that whatsoever minister, being convened before the said general meeting, and representatives of the presbyterian ministers and elders, or the visitors to be appointed by them, shall either prove contumacious, in not appearing, or be found guilty, and shall be therefore censured, whether by suspension or deposition, they shall, *ipso facto*, be suspended from, or deprived of their stipends and benefices."

N^o VI. Act 27th, par. 1st, sess. 2d, WILLIAM and MARY, July 19th, 1690, intituled, *Act rescinding the laws for conformity.*

"OUR sovereign lord and lady, the king and queen's majesties, and three estates of parliament, considering how necessary it is for the well and peace of this kingdom, and of Christ's church within the same, as now by law established, that the acts following be rescinded; do therefore rescind, cass, annul, and make void the act, Char. II. par. 1. sess. 2. cap. 4. concerning *masters of universities, ministers, etc.* Act 5th, *ibidem*, concerning the *declaration to be signed by all persons in public trust.* Act, Charles II. par. 1. sess. 3. cap. 2. *against separation and disobedience to ecclesiastical authority.* Act, cap. 3. *ibidem*, *Additional act concerning the declaration.* Act, Char. II. par. 2. sess. 2. cap. 5. *against conventicles.* Act, cap. 6. *ibidem*, *against disorderly baptisms.* Act, cap. 7. *ibidem*, *against separation, and withdrawing from the public meetings of divine worship.*

Act, Charles II. par. 2. sess. 3. cap. 9. *against unlawful ordinations.* Act, Charles II. par. 2. sess. 3. cap. 17. *against keepers of conventicles, and withdrawers from public worship.* Act, Charles II. par. 3. cap. 4. *for securing the peace of the country.* Act, James VII. par. 1. sess. 1. cap. 6. *obliging husbands to be liable for their wives fines.* Act, cap. 8. *ibidem, against preachers at conventicles, and bearers at field conventicles.* Act, cap. 24. *ibidem, ordaining, that pennents be obliged, by their tacks, to live regularly: and generally all other acts, clauses, and provisions in acts whatsoever, made since the year 1661, inclusive, against non-conformity, or for conformity to the church and government thereof, as then established under archbishops and bishops."*

N^o VII. Act 18th, par. 1st, sess. 2d, WILLIAM and MARY, intitled, *Act rescinding several acts of parliament.* July 19th, 1690.

"OUR sovereign lord and lady, the king and queen's majesty, and three estates of parliament, considering, that, during these late years by past, several acts of parliament have been made, which are now either useless, or found to be hurtful, do therefore rescind, cass, annul, and make void, in all time coming. the acts of parliament following, viz. Act, Charles II. par. 1. sess. 1. cap. 17. *about a solemn anniversary thanksgiving;* with the Act, Charles II. par. 2. sess. 3. cap. 12. *to the same purpose.* Act, Charles II. par. 1. sess. 2. cap. 25. *for denouncing excommunicate persons;* and par. 1. sess. 3. cap. 23. *about sentences of excom-*

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munication; with all other acts of the same import: and but prejudice of this generality, all acts enjoining civil pains upon sentences of excommunication. Act, Charles II. par. 3. cap. 6. unent religion and the test. Act, cap. 18. ibidem, asserting his majesty's prerogative in point of jurisdiction; with the acts following, made during the reign of the late king James, viz. in the first session of his first parliament, act 2d, except in so far as concerns the annexation of the excise to the crown; act 5, 6, 7, 8, 11, 13, 16, 17, 23, 25, 26, 27, 30, 36, 37, 40, and 42. all past in that session of parliament. As likewise in the second session of that parliament, act 1, 6, 7, 9, 13, 26, 27, and 28. all past in that parliament; with an unprinted act, also passed therein, rescinding a former act, annexing the lands and barony of Tarbit to the shire of Cromarty. Declaring, likeas their majesties, with consent foresaid, hereby declares, the whole foresaid acts, hereby above rescinded, to be of no avail, force, strength, nor effect in time coming."

N^o VIII. Act 22d, par. 1st, sess. 4th, WILLIAM and MARY, intituled, *Act for settling the quiet and peace of the church.* June 12th, 1693.

"OUR sovereign lord and lady, the king and queen's majesties, with advice and consent of the estates of parliament, ratify, approve, and perpetually confirm the 5th act of the 2d session of this current parliament, intituled, *Act ratifying the Confession of Faith, and settling presbyterian church government*, in the whole heads, articles,

and clauses thereof: and do further statute and ordain, that no person be admitted, or continued for hereafter, to be a minister or preacher within this church, unless that he—do—subscribe the *Confession of Faith*, ratified in the foresaid fifth act of the second session of this parliament, declaring the same to be the Confession of his Faith, and that he owns the doctrine therein contained, to be the true doctrine which he will constantly adhere to: as likewise, that he owns and acknowledges presbyterian church government, as settled by the foresaid 5th act of the 2d session of this parliament, to be the only government of this church, and that he will submit thereto, and concur therewith, and never endeavour, directly or indirectly, the prejudice or subversion thereof. And their majesties, with advice and consent foresaid, statute and ordain, that uniformity of worship, and of the administration of all public ordinances, within this church, be observed by all the saids ministers and preachers, as the same are at present performed and allowed therein, or shall be hereafter declared by the authority of the same; and that no minister or preacher be admitted, or continued for hereafter, unless that he subscribe to observe, and do actually observe the foresaid uniformity.—”

F I N I S.

